

Application No. 8108

Permit No. 5234

Certificate No. 23928

FEEES PAID

| Date | Amount | Receipt No. |
|-------|--------|-------------|
| | | |
| Total | | |

Name *Reservoir Co*
The Clear Crk. Water Users Ass'n

DVA Notification

By

Stream Index, Page No. 9-21

Address *Halfway, Ore.*

Application Record, Book No.

Date filed

Action suspended until *OK Cert*

FEEES REFUNDED

| Date | Amount | Check No. |
|------|--------|-----------|
| | | |

Returned to applicant

ASSIGNMENTS

| Date | To whom | Address | Volume | Page |
|------|---------|---------|--------|------|
| | | | | |

Date completed

Date of approval

REMARKS

CONSTRUCTION

Date for beginning *Oct 20, 1922*

Date for completion *June 1, 1923*

Extended to

Date for application of water *Oct. 1, 1925*

Extended to

see 8096 - 14831 - 14832
5.91 sec. ft. from W. bk. Clear Crk. & Res. for supp.
supply for 473 acres.
June 29, 1932 - registered letter.
For Engineering report see "Dam File"
suppld - hold till 8096 completed

PROSECUTION OF WORK

Form "A" filed

Form "B" filed

Form "C" filed

See Memo enclosed
Don't issue certificate
until dam is rebuilt
C.E.S.
See 14831-2

FINAL PROOF

Blank mailed *June 29, 1932* JULY 9 1962

Proof received *July 12, 1932*

Date certificate issued

Change in place of use: See
Sp. Or. Vol. 1 page 288
and approved
L.A.M.
and inspected
C.A.C.

Receipt for recording fee No. *15033 for 1.00*

AUGUST 21 1962

AUGUST 1962

34659

7/19/62 - P 108

and reinspected
C.M.B.

Refunded 1-17-63 cb # 9637.

STATE OF OREGON
COUNTY OF BAKER
CERTIFICATE OF WATER RIGHT

This Is to Certify, That **CLEAR CREEK RESERVOIR COMPANY**
of **Halfway**, State of **Oregon** ⁹⁷⁸³⁴, has made proof to the satisfaction of the **STATE ENGINEER** of Oregon, of a right to the use of the waters of **Clear Creek Reservoir constructed under Application No. R-8096, Permit No. R-515** a tributary of **Pine Creek (Snake River)** for the purpose of **supplemental irrigation of 473 acres** under Permit No. **5234** of the State Engineer, and that said right to the use of said waters has been perfected in accordance with the laws of Oregon; that the priority of the right hereby confirmed dates from **October 7, 1921**

that the amount of water to which such right is entitled and hereby confirmed, for the purposes aforesaid, is limited to an amount actually beneficially used for said purposes, and shall not exceed **5.91 cubic feet per second**

or its equivalent in case of rotation, measured at the point of diversion from the stream. The point of diversion is located in the **SW $\frac{1}{4}$ NE $\frac{1}{4}$** , Section 12, T. 6 S., R. 45 E., W. M.

The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, shall be limited to **one-eightieth** of one cubic foot per second per acre,

and shall conform to such reasonable rotation system as may be ordered by the proper state officer.

A description of the place of use under the right hereby confirmed, and to which such right is appurtenant, is as follows:

- | | |
|--|--|
| 1.6 acres SW $\frac{1}{4}$ NE $\frac{1}{4}$ | 14.6 acres NE $\frac{1}{4}$ NE $\frac{1}{4}$ |
| 3.0 acres NW $\frac{1}{4}$ NW $\frac{1}{4}$ | 40.0 acres NW $\frac{1}{4}$ NE $\frac{1}{4}$ |
| 16.2 acres SW $\frac{1}{4}$ NW $\frac{1}{4}$ | 40.0 acres NE $\frac{1}{4}$ NW $\frac{1}{4}$ |
| 22.4 acres SE $\frac{1}{4}$ NW $\frac{1}{4}$ | 16.0 acres NW $\frac{1}{4}$ NW $\frac{1}{4}$ |
| 36.6 acres NW $\frac{1}{4}$ SW $\frac{1}{4}$ | 35.0 acres SW $\frac{1}{4}$ NW $\frac{1}{4}$ |
| 34.4 acres SW $\frac{1}{4}$ SW $\frac{1}{4}$ | 35.0 acres SE $\frac{1}{4}$ NW $\frac{1}{4}$ |
| 31.4 acres SE $\frac{1}{4}$ SW $\frac{1}{4}$ | 16.0 acres NE $\frac{1}{4}$ SE $\frac{1}{4}$ |
| 19.6 acres NW $\frac{1}{4}$ SE $\frac{1}{4}$ | 30.0 acres SE $\frac{1}{4}$ SE $\frac{1}{4}$ |
| 8.0 acres SW $\frac{1}{4}$ SE $\frac{1}{4}$ | Section 30 |
| Section 29 | 25.0 acres NW $\frac{1}{4}$ NE $\frac{1}{4}$ |
| | 36.0 acres SW $\frac{1}{4}$ NE $\frac{1}{4}$ |
| | 12.2 acres NW $\frac{1}{4}$ NW $\frac{1}{4}$ |
| | Section 32 |
| | T. 7 S., R. 46 E., W. M. |

The right to the use of the water for the purposes aforesaid is restricted to the lands or place of use herein described.

WITNESS the signature of the State Engineer, affixed

this date. AUGUST 24 1962

..... CHRIS L. WHEELER
State Engineer

September 8, 1999



Tony & Janet Chetwood
47935 Fish Lake Road
Halfway, OR. 97834

With regard to the Water Right Ownership Update and the associated water rights:

| <u>Application #</u> | <u>Permit #</u> | <u>Certificate #</u> |
|----------------------|-----------------|----------------------|
| S - 8108 | S - 5234 | 29928 |

The Water Resources Department has reviewed and accepted the Water Right Ownership letter/form you submitted. A copy of this confirmation letter has been placed in the corresponding application, permit, certificate file in the Water Rights section of our department, along with a copy of the Water Right Ownership letter/form you submitted.

We appreciate your cooperation with this program. If you have any questions, please contact me at (503) 378-8455 ext.289. The Department's toll free number is 1-800-624-3199.

Sincerely,

R. Craig Kohanek
Technical Services Division

c: Water Rights Section



Commerce Building
158 12th Street NE
Salem, OR 97310-0210
(503) 378-3739
FAX (503) 378-8130

RECEIVED

OREGON WATER RESOURCES DEPARTMENT
WATER RIGHT OWNERSHIP UPDATE FORM

SEP 03 1999

WATER RESOURCES DEPT.
SALEM, OREGON

NOTICE TO SELLERS & BUYERS:

By law all water belongs to the public (ORS 537.110). In almost every instance, a permit ("water right") from the Water Resources Department is needed before using, diverting, or storing any water (ORS 537.130). However, most domestic wells do not require water rights. A water right stays with the land. In order to keep track of water right ownership, ORS 537.330 requires persons selling property that has a water right to: 1) provide evidence of the water right to the buyer and 2) notify the Water Resources Department of the water right involved with the real estate transaction. Sellers are exempted from this requirement if the water uses are served by a water district or a city.

Water that has been used for a long time in one place or that involves a water structure (like a dam) that already exists is no guarantee that there is a water right which would allow the water use to continue.

If you have any questions about this form or water right requirements, please contact your local watermaster or call the Water Resources Department at (503)378-8455.

... Note: Please type or print legibly when filling in the following information. Use additional paper if necessary.

PROPERTY SELLER INFORMATION:

Name: Joy Braten - Successor Trustee - Bill Wize Trust
Street Address: P.O. Box 931
City: Halfway State: Oregon Zip: 97834
Phone: 541-742-7686

PROPERTY BUYER INFORMATION:

Name: Tony & Janet Chetwood -
Street Address: 47935 Fish Lake Rd
City: Halfway State: OR Zip: 97834
Phone: 541-742-5097

PROPERTY DESCRIPTION (attach additional pages if necessary):

County: Baker Township: 7S Range: 46E Section: 29
Tax Lot number(s): 2000 & 2100
Meets & bounds description (or attach copy of property deed & tax lot map with the parcels highlighted):
Tax lot map attached

WATER RIGHT INFORMATION (attach copy of water right certificate or permit & final proof map if available):

Application #: 8108 Permit # 5234 Certificate # 29928
Will all lands associated with the water right be owned by the buyer? Yes No

Name of individual completing this form: Tony Chetwood Phone: 541 742 5097
Signature: Tony Chetwood Date: Aug 29 1999

RECEIVED

OREGON WATER RESOURCES DEPARTMENT
WATER RIGHT OWNERSHIP UPDATE FORM

SEP 03 1999

WATER RESOURCES DEPT.
SALEM, OREGON

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Name: Jay Braten - Successor Trustee - Bill Wize Trust
Street Address: P.O. Box 931
City: Halfway state: Oregon zip: 97834
Phone: 541-742-7686

PROPERTY BUYER INFORMATION:

Name: Tony + Janet Chetwood
Street Address: 47935 Fish Lake Rd
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Phone: 541-742-5097

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Name of individual completing this form: Tony Chetwood Phone: 541 742 5097
Signature: Tony Chetwood Date: Aug 29 1999



Oregon

John A. Kitzhaber, M.D., Governor

Water Resources Department

Commerce Building
158 12th Street NE
Salem, OR 97310-0210
(503) 378-3739
FAX (503) 378-8130

July 21, 1999

Tony Chetwood
47935 Fish Lake Road
Halfway, OR 97834

With regard to the Water Right Ownership Update and the associated water rights:

| <u>Application #'s</u> | <u>Permit #'s</u> | <u>Certificate #</u> |
|------------------------|-------------------|----------------------|
| S - 8108 | S - 5234 | 29928 |

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Sincerely,

R. Craig Kohanek
Technical Services Division

c: Water Rights Section

**Oregon Water Resources Department
Water Right Ownership Update Form**

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If you have any questions about this form or water right requirements, please contact your local watermaster or call the Water Resources Department at 378-8455.

RECEIVED

JUL 21 1999

**WATER RESOURCES DEPT.
SALEM, OREGON**

Note: Please type or print legibly when filling in the following information. Use additional paper if necessary.

Property Seller Information:

Name: Jay W. Braten TTEE, Wize Family Trust
Street Address: P.O. Box 931
City: Halfway State: Oregon Zip: 97834
Phone: 541-742-7686

Property Buyer Information:

Name: Tony & Janet Chetwood (Tax Lot #2000) Tony Chetwood (Tax Lot #2100)
Street Address: 47935 Fish Lake Road
City: Halfway State: Oregon Zip: 97834
Phone: 541-742-5097

Property Description (attach additional pages if necessary):

County: Baker Township: 7 Range: 46 Section: 29
Tax lot number(s): #2000 & #2100

Meets & bounds description (or attach copy of property deed & tax-lot map with the parcels highlighted):

Water Right Information (attach copy of water right permit or certificate & final proof map if available):

Application #: _____ Permit #: _____ Certificate #: _____

Will all the lands associated with this water right be owned by the buyer? Yes No

Name of individual completing this form: Vadene Braten Signature: Vadene Braten
Phone: 541-742-2222 Date: July 19, 1999

Name: CLEAR CREEK RESERVOIR CO.
 HALFWAY, OR 97934
 Related documents: P-9515
 Remarks :
 County : FAKER
 Status : NON-CANCELLED
 Certificate type: Op
 Certificate date: P/24/1967
 Application: S
 Permit : S
 Certificate: 810x
 Supercedes certificate: 29928
 Certificate: 0

Source: CLEAR CR PFS > W FK CLEAR CR
 Rate: 1/90 Limit: AFT/acre/year Other limits:
 Use: IS S 10/ 7/1921
 Priority: 5.9100CFS
 Location: 6 S 45 E 12 SWNE
 LOT/DLC Status: V

| Points of appropriations: | Use | P/S | Location | DLC/LOT | Acres | Status | Remarks | LOT/DLC | Status |
|---------------------------|-----|-----|------------------|---------|--------|--------|---------|---------|--------|
| | IR | S | 7 S 46 E 29 SWNE | | 1.400 | V | | | |
| | IR | S | 7 S 46 E 29 NWNW | | 3.000 | V | | | |
| | IR | S | 7 S 46 E 29 SWNW | | 16.200 | V | | | |
| | IR | S | 7 S 46 E 29 SENW | | 22.400 | V | | | |
| | IR | S | 7 S 46 E 29 NWSW | | 36.600 | V | | | |
| | IR | S | 7 S 46 E 29 SWSW | | 34.400 | V | | | |
| | IR | S | 7 S 46 E 29 SFSW | | 31.400 | V | | | |
| | IR | S | 7 S 46 E 29 NWSE | | 19.600 | V | | | |
| | IR | S | 7 S 46 E 29 SWSE | | 9.000 | V | | | |
| | IR | S | 7 S 46 E 30 NENE | | 14.600 | V | | | |
| | IR | S | 7 S 46 E 30 NWNE | | 40.000 | V | | | |
| | IR | S | 7 S 46 E 30 NE*W | | 40.000 | V | | | |
| | IR | S | 7 S 46 E 30 NWNW | | 16.000 | V | | | |
| | IR | S | 7 S 46 E 30 SWNW | | 35.000 | V | | | |
| | IR | S | 7 S 46 E 30 SENW | | 35.000 | V | | | |
| | IP | S | 7 S 46 E 30 NESE | | 16.000 | V | | | |
| | IR | S | 7 S 46 E 30 SESE | | 30.000 | V | | | |
| | IR | S | 7 S 46 E 32 NWNE | | 25.000 | V | | | |
| | IR | S | 7 S 46 E 32 SWNE | | 36.000 | V | | | |
| | IP | S | 7 S 46 E 32 NWNW | | 12.200 | V | | | |

| TS | 46E | 19 | SW 1/4 SW 1/4 | 40 | Aspl | suppl | 21.0 |
|----|-----|----|--------------------------|------|------|-------|----------------|
| | | | SE 1/4 SW 1/4 | 10 | 4 | | 8.2 |
| | | | SE 1/4 NE 1/4 | | 15 | | 0 |
| | | | NE 1/4 SE 1/4 | | | | 1.8 |
| | | | NW 1/4 SE 1/4 | 7.3 | | | 11.8 |
| | | | SE SE | | 10 | | |
| | | | SW 1/4 SE 1/4 | 12.3 | | | 22.8 |
| 29 | | | SW 1/4 NE 1/4 | 8 | | 11.6 | 1.6 |
| | | | NW 1/4 NW 1/4 | 5 | 24 | 3.0 | 3.0 |
| | | | SW 1/4 NW 1/4 | 28 | 40 | 16.2 | 16.2 |
| | | | SE 1/4 NW 1/4 | 26 | 30 | 22.4 | 22.4 |
| | | | NE SW | | | | |
| | | | NW 1/4 SW 1/4 | 40 | 40 | 36.6 | 36.6 |
| | | | SW 1/4 SW 1/4 | 40 | 40 | 34.4 | 34.4 |
| | | | SE 1/4 SW 1/4 | 31.4 | | 31.4 | 41.2 31.4 |
| | | | NW 1/4 SE 1/4 | 22 | | 19.6 | 19.6 |
| | | | SW 1/4 SE 1/4 | 40 | 10 | 8.0 | 8.0 |
| 30 | | | NE 1/4 NE 1/4 | 20 | 30 | 14.6 | 14.6 |
| | | | NW 1/4 NE 1/4 | 40 | | 40.0 | 40.0 |
| | | | SW 1/4 NE 1/4 | 35 | | | 38.6 |
| | | | NE 1/4 NW 1/4 | 40 | | 40.0 | 41.8 40.0 |
| | | | NW 1/4 NW 1/4 | 27 | | 16.0 | 16.0 |
| | | | SW 1/4 NW 1/4 | 35 | | 35.0 | 35.6 35.0 |
| | | | SE 1/4 NW 1/4 | 35 | | 35.0 | 39.2 35.0 |
| | | | NE 1/4 SW 1/4 | 34 | | | 39.4 |
| | | | SE 1/4 SW 1/4 | 34 | | | 40.0 |
| | | | NE 1/4 SE 1/4 | 16 | 40 | 16.0 | 21.4 16.0 |
| | | | NW 1/4 SE 1/4 | 5 | | | 36.0 |
| | | | SW 1/4 SE 1/4 | 32 | | | 35.6 |
| | | | SE 1/4 SE 1/4 | 30 | 40 | 30.0 | 37.6 30.0 |
| 31 | | | NE 1/4 NE 1/4 | 32 | 10 | | 10.8 |
| 32 | | | NW 1/4 NE 1/4 | 25 | 40 | 25.0 | 39.5 25.0 |
| | | | SW 1/4 NE 1/4 | 36 | 40 | 36.0 | 40.0 36.0 |
| | | | NW 1/4 NW 1/4 | 25 | | 12.2 | 34.4 25.0 12.2 |
| | | | SW 1/4 NW 1/4 | 34 | | | 29.4 |
| | | | SE 1/4 NW 1/4 | 34 | | | 20.0 |
| | | | SE NW | | 20 | | |
| | | | Total | | | | 858.5 |

Proof.

40

49.2
1.8

473

Permit No. 5234

10258
14441
10500

Application No. 8108

County Baker

Proof of Appropriation of Water

1960-C
BBB-9N-115
Sept. 16-17-20
M.B.

- Name Clear Creek Reservoir Company 2. Address Halfway, Oregon
- Source of supply ~~West Fork of Clear Creek & the water stored in Clear Creek Reservoir,~~
Tributary of Pine Creek trib. of Snake River - Const. under A.# R-8096, P.# R-515
- Amount of water 5.91 c.f.s. 5. Priority date October 7, 1921
- Use Irrigation ~~(supplemental supply for the irrigation of lands already having a partial water right.)~~
suppl of 4732 1/80th
- Location of point of diversion SW 1/4 NE 1/4 Sec. 12, 30, 31 & 32, Twp. 7 S, Range 46 E, W. M.
(Legal Subdivision) 6S 45E
- The description of land given below corresponds to that found in your permit covering land to be irrigated, or, if for other purposes, the place of use.

| Township | Range | Section | Legal Subdivision | No. Acres Actually Irrigated |
|---------------------|-------|---------|--------------------------------|------------------------------|
| Willamette Meridian | | | | |
| 7 S | 46 E | 19 | SE 1/4 NE 1/4 | 5 ✓ |
| | | | NE 1/4 SE 1/4 | 15 ✓ |
| | | | SE 1/4 SE 1/4 | 10 ✓ |
| | | 30 | NE 1/4 NE 1/4 | 30 ✓ |
| 8 S | 46 E | 14 | NW 1/4 NE 1/4 (SE NE SE 30-35) | 35 ✓ |
| 7 S | 46 E | 30 | NE 1/4 SE 1/4 | 40 ✓ |
| | | | SE 1/4 SE 1/4 | 40 ✓ |
| | | 29 | NW 1/4 NW 1/4 | 24 ✓ |
| | | | SW 1/4 NW 1/4 | 40 ✓ |
| | | | SE 1/4 NW 1/4 | 30 ✓ |
| | | | NE 1/4 SW 1/4 | 4 ✓ |
| | | | NW 1/4 SW 1/4 | 40 ✓ |
| | | | SW 1/4 SW 1/4 | 40 ✓ |
| | | 32 | SW 1/4 SE 1/4 | 10 ✓ |
| | | | NW 1/4 NE 1/4 | 40 ✓ |
| | | | SW 1/4 NE 1/4 | 40 ✓ |
| | | | SE 1/4 NW 1/4 | 20 ✓ |
| | | 31 | NE 1/4 NE 1/4 | 10 ✓ |
| | | | | 438 (780 Shares) |

Just get land
let Res go

810 irrig.
493

I have read the above and foregoing proof of appropriation of water; I know the contents thereof, and that the facts therein stated are true.

IN WITNESS WHEREOF, I have hereunto set my hand this day of

19.....

REPORT OF PERSON MAKING INSPECTION

Description of works: Infa - Elmer Douglas - Howard Hope - John Robertson
Mr. Ritter^{is Son} - Bill Wise - Francis Huff - Loral Johnson

Res. water turned down Clear Cr. & picked up in 10 H.G. on
main channel - 2 H.G. on W. Channel - 6 H.G. on Crego
channel - Head of Crego Channel (E. Fork Clear Channel) counted
as 1 H.G. on main Channel -

Irrigation by Ditching & Flooding

6 1/4 mi. { Plans Tabled Photo Control & Div. Pts. for Highline - Deaderick - Hewitt
- Acres - & Crego Ditches on 1960 - C sheet

Main Ditches have ~~flumes~~ Weirs installed

H.G. Sizes - Highline - No head gate - wood flume approx. 40' below div. pt.
measures 24" W x 11" deep - 16 8' long Fall 0.1'

(Ritter)
Deaderick - Conc. 48" W 24" deep - Flash board arrangement

These Three are within
35 ft. dia. & use
Same level of Cr.
water

{ Hewitt - wood 38" W x 29" deep
Acres
Akens - wood 35 5/8" W x 30" deep
Crego - Conc. 45" W x 30 1/2" deep

Crego Channel (Clear Cr. Channel) 38" W x 22" H water depth 9"
East Fork log & straw dam

Lytle - Conc. 55" W x 39" H water 6"

Elmer Douglas - North H.G. - 24" W x 22" D water 9" - South H.G. 27" W x 15 1/2" D - water 9"

Park Ritter - Combination H.G. & Fish Wheel approx. 750' below head of ditch 43" W x 24" D

Francis Huff - South H.G. on Crego Channel 18" W. x 15" D. Board

Rest of ditches haven't any H.G.'s

I, _____, do hereby certify that I have made
an inspection of the works described herein and in Permit No. _____, on the 16-17-20th
of Sept., 1960, and found the foregoing statements and descriptions of works to
be accurate. In my opinion the appropriation has been completed to the extent of _____
and I recommend the issuance of water right certificate for this amount.
(Quantity of water in second-feet or acre-feet)

NOTICE TO INSPECTORS

If conditions do not justify the above report by you, please return this form without your signature, with a full report by letter.

M. Bish

(Name)

(Title)

Select by certificate 60083

Name: VERNON D TYLER

RT 1 BOX 100
HALFWAY, OR 97834

County : BAKER
Status : NON-CANCELLED
Certificate type: OR
Certificate date: 2/ 9/1989

Application: S 55993
Permit : S 42208
Certificate: 60083
Supercedes certificate: 0

Related documents:
Remarks :

Sources : A SPRING, TRIBUTARY OF WILLOW CREEK,

Purposes: DOMESTIC USE FOR THREE FAMILIES, STOCK, IRRIGATION AND SUPPLEMENTAL IRRIGATION.

Rates : 0.33 CUBIC FOOT PER SECOND; BEING 0.31 CFS FOR IRRIGATION, 0.01 CFS FOR STOCK AND 0.01 CFS FOR DOMESTIC

Priority:

| Source | Use | P/S | Priority | Quantity | Location | LOT/DLC | Status |
|------------------|-----|-----|-----------|-----------|------------------|---------|--------|
| A SPR > CLEAR CR | IR | P | 5/31/1977 | 0.0400CFS | 7 S 46 E 29 NWNW | | V |

Legal description: 810 FEET SOUTH & 80 FEET EAST FROM NW CORNER OF SECTION 29
Rate: 1/40 Limit: 4.5 AFT/acre/year Other limits:

| | | | | | | | |
|------------------|----|---|-----------|-----------|------------------|--|---|
| A SPR > CLEAR CR | IS | S | 5/31/1977 | 0.2700CFS | 7 S 46 E 29 NWNW | | V |
|------------------|----|---|-----------|-----------|------------------|--|---|

Legal description: 810 FEET SOUTH & 80 FEET EAST FROM NW CORNER, SECTION 29
Rate: 1/40 Limit: 4.5 AFT/acre/year Other limits:

| | | | | | | | |
|------------------|----|---|-----------|-----------|------------------|--|---|
| A SPR > CLEAR CR | LV | P | 5/31/1977 | 0.0100CFS | 7 S 46 E 29 NWNW | | V |
|------------------|----|---|-----------|-----------|------------------|--|---|

Legal description: 810 FEET SOUTH & 80 FEET EAST FROM NW CORNER OF SECTION 29

| | | | | | | | |
|------------------|----|---|-----------|-----------|------------------|--|---|
| A SPR > CLEAR CR | DO | P | 5/31/1977 | 0.0100CFS | 7 S 46 E 29 NWNW | | V |
|------------------|----|---|-----------|-----------|------------------|--|---|

Legal description: 810 FEET SOUTH & 80 FEET EAST FROM NW CORNER OF SECTION 29

| Points of appropriations: | Use | P/S | Location | DLC/LOT | Acres | Status | Remarks |
|---------------------------|-----|-----|------------------|---------|-------------|--------|---------|
| DS | P | | 7 S 46 E 29 SWNW | | | V | |
| IR | S | | 7 S 46 E 29 SWNW | | 4.600 | V | |
| DO | P | | 7 S 46 E 29 NWSW | | | V | |
| IR | P | | 7 S 46 E 29 NWSW | | 1.600 | V | |
| DS | P | | 7 S 46 E 29 NWSW | | | V | |
| IR | S | | 7 S 46 E 29 NWSW | | 6.100 | V | |
| | | | | | <u>12.3</u> | | |

Dallas
G-12863 - Sumner

Tony Childwood (541) 742-5097
Halfway -
Change on W/R - on West -
Clear Creek Res.
60083-Cert 29928-Cert

Select by certificate 29928

Name: CLEAR CREEK RESERVOIR CO.
HALFWAY, OR 97834

County : BAKER
Status : NON-CANCELLED
Certificate type: OR
Certificate date: 8/24/1962
Application: S 8108
Permit : S 5234
Certificate: 29928
Supercedes certificate: 0

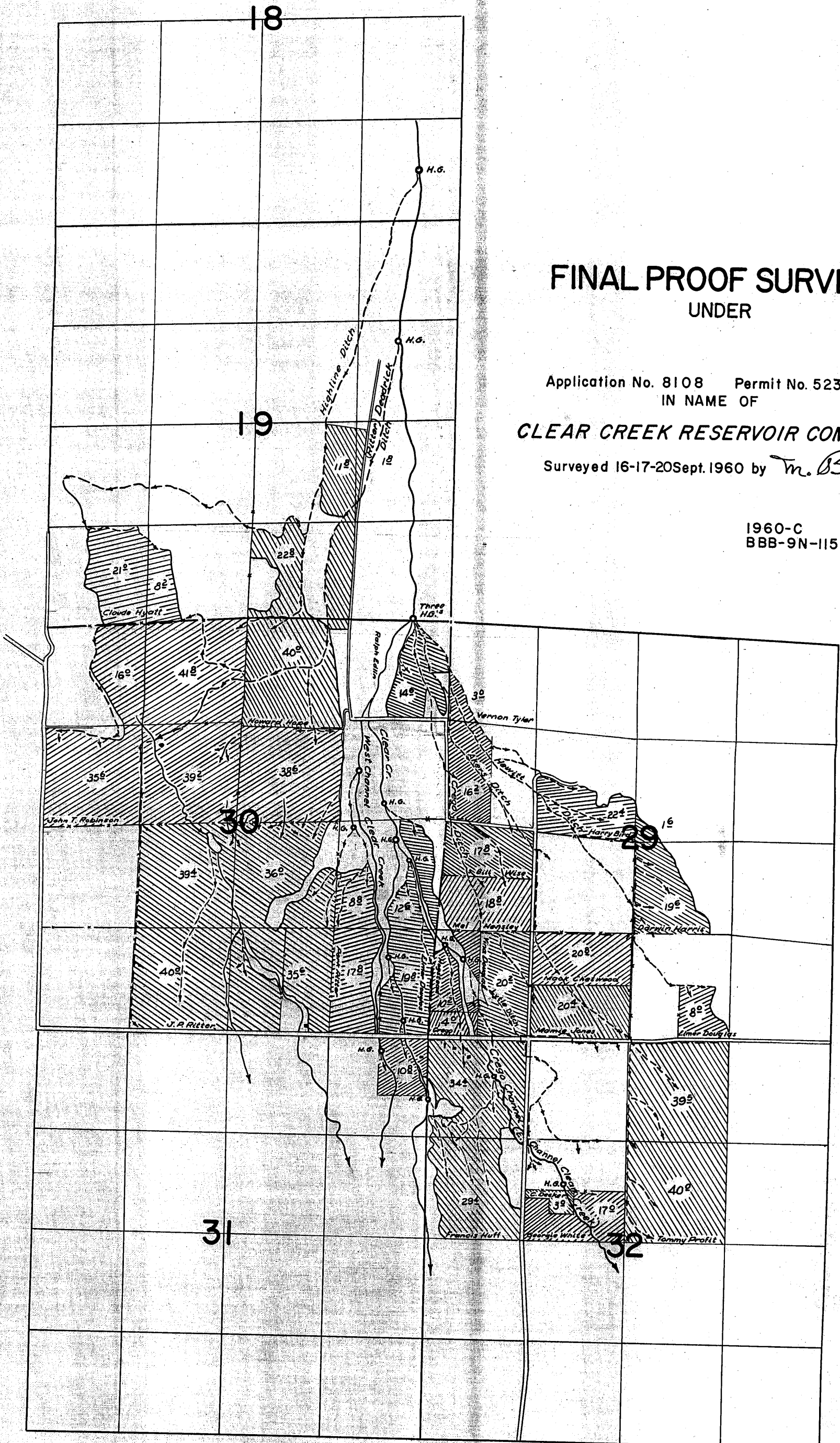
Related documents: P-R515
Remarks :

| Source | Use | P/S | Priority | Quantity | Location | LOT/DLC | Status |
|---|-----|-----|------------|-----------|------------------|---------|--------|
| CLEAR CR RES > W FK CLEAR CR | IS | S | 10/ 7/1921 | 5.9100CFS | 6 S 45 E 12 SWNE | | V |
| Rate: 1/80 Limit: AFT/acre/year Other limits: | | | | | | | |

| Points of appropriations: | Use | P/S | Location | DLC/LOT | Acres | Status | Remarks |
|---------------------------|-----|-----|------------------|---------|--------|--------|---------|
| ===== | | | | | | | |
| IR | S | | 7 S 46 E 29 SWNE | | 1.600 | V | |
| IR | S | | 7 S 46 E 29 MNW | | 3.000 | V | |
| IR | S | | 7 S 46 E 29 SWNW | | 16.200 | V | |
| IR | S | | 7 S 46 E 29 SENW | | 22.400 | V | |
| IR | S | | 7 S 46 E 29 NWSW | | 36.600 | V | |
| IR | S | | 7 S 46 E 29 SWSW | | 34.400 | V | |
| IR | S | | 7 S 46 E 29 SESW | | 31.400 | V | |
| IR | S | | 7 S 46 E 29 NWSE | | 19.600 | V | |
| IR | S | | 7 S 46 E 29 SWSE | | 8.000 | V | |
| IR | S | | 7 S 46 E 30 NENE | | 14.600 | V | |
| IR | S | | 7 S 46 E 30 NWNE | | 40.000 | V | |
| IR | S | | 7 S 46 E 30 NENW | | 40.000 | V | |
| IR | S | | 7 S 46 E 30 NWNW | | 16.000 | V | |
| IR | S | | 7 S 46 E 30 SWNW | | 35.000 | V | |
| IR | S | | 7 S 46 E 30 SENW | | 35.000 | V | |
| IR | S | | 7 S 46 E 30 NESE | | 16.000 | V | |
| IR | S | | 7 S 46 E 30 SESE | | 30.000 | V | |
| IR | S | | 7 S 46 E 32 NWNE | | 25.000 | V | |
| IR | S | | 7 S 46 E 32 SWNE | | 36.000 | V | |
| IR | S | | 7 S 46 E 32 NWNV | | 12.200 | V | |

5.91
* 450

T.7 S.R.46 E.W.M.



FINAL PROOF SURVEY UNDER

Application No. 8108 Permit No. 5234
IN NAME OF

CLEAR CREEK RESERVOIR COMPANY

Surveyed 16-17-20 Sept. 1960 by *M. Bish*

1960-C
BBB-9N-115

Permit No. 5 2 3 4

County of Baker

Application No. 8 1 0 8

Proof of Appropriation of Water

(In accordance with the provisions of Chapter 216, Laws of Oregon for 1909, and the regulations of the State Engineer thereunder.)

- The Clear Creek Reservoir Company, Successor to
1. Name The "Clear Creek Water Users Association", a Mutual Organization.
 2. Postoffice address Halfway, Oregon
 3. Source of supply West. Ek. Clear Cr. Trib. of Clear Cr. Trib. of Pine Creek
Tributary of Snake River
 4. For what purpose is water used? Irrigation (Supplemental supply)
 5. Amount of water 257.35 acre feet or 5.91 second feet
 6. Priority date October 7, 1921.
 7. The description of land given below corresponds to that found in your permit covering land to be irrigated, or, if for other purposes, the place of use. In the blank column on the right, headed "No. acres actually irrigated," fill in the number of acres you have irrigated in each of the tracts described.

| Township | Range | Section | Forty-acre Tract | No. Acres Described in Permit | No. Acres Actually Irrigated |
|----------------|--|---------------|---|-------------------------------|--------------------------------------|
| 7 S | 46 E | 19 | SE $\frac{1}{4}$ of NE $\frac{1}{4}$ | 5 | 5 |
| | | 19 | NW $\frac{1}{4}$ of SE $\frac{1}{4}$ & | 15 | 15 |
| | | 19 | SE $\frac{1}{4}$ of SE $\frac{1}{4}$ | 10 | 10 |
| | | 30 | NW $\frac{1}{4}$ of NW $\frac{1}{4}$ | 30 | 30 |
| | | 30 | NW $\frac{1}{4}$ of SE $\frac{1}{4}$ & | 40 | 40 |
| | | 30 | SE $\frac{1}{4}$ of NW $\frac{1}{4}$ | 35 | 35 |
| | | 30 | SE $\frac{1}{4}$ of SE $\frac{1}{4}$ | 40 | 40 |
| | | 29 | NW $\frac{1}{4}$ of NW $\frac{1}{4}$ | 24 | 24 |
| | | 29 | SW $\frac{1}{4}$ of NW $\frac{1}{4}$ | 40 | 40 |
| | | 29 | SE $\frac{1}{4}$ of NW $\frac{1}{4}$ | 30 | 30 |
| | | 29 | NW $\frac{1}{4}$ of SW $\frac{1}{4}$ | 4 | 4 |
| | | 29 | NW $\frac{1}{4}$ of SW $\frac{1}{4}$ | 40 | 40 |
| | | 29 | SW $\frac{1}{4}$ of SW $\frac{1}{4}$ & | 40 | 40 |
| | | 29 | SW $\frac{1}{4}$ of SE $\frac{1}{4}$ | 10 | 10 |
| | | 8 S | 46 E.W.M. | 14 | NW $\frac{1}{4}$ of NW $\frac{1}{4}$ |
| 32 | SW $\frac{1}{4}$ of NE $\frac{1}{4}$ & | | | 40 | 40 |
| 32 | SE $\frac{1}{4}$ of NW $\frac{1}{4}$ | | | 20 | 20 |
| 7 S | 46 E.W.M. | 31 | NW $\frac{1}{4}$ of NW $\frac{1}{4}$ | 10 | 10 |
| 8 S | 46 E.W.M. | 14 | NW$\frac{1}{4}$ of NW$\frac{1}{4}$ | 35 | 35 |

473 Acres

8. During what months is water beneficially used? August
9. State the character of the soil and kind of crops raised Sandy loam, gravel, black loam - hay, grain fruit
10. Does the accompanying blue print of the map filed with your permit show correctly the location of diverting works and area of land where water is used? Yes
11. If not, wherein is such map in error
12. If the dimensions of your ditch or dam do not correspond to those described in your permit, state what changes have been made, giving dimensions of ditch (or other distributing works)
13. If water is used for power, mining, domestic, municipal, storage, manufacturing, or any other purpose than irrigation, give the extent and method of such use none

STATE OF OREGON,
 COUNTY OF Baker } ss.

I, J. R. Pether, being first duly sworn, depose and say that I have read the above and foregoing proof of appropriation of water; that I know the contents thereof; and that the facts therein stated are true.

IN WITNESS WHEREOF, I have hereunto set my hand this 4th day of September, 1926.

J. R. Pether
 Subscribed and sworn to before me this 4th day of September, 1926.

C. J. Massey
 Notary Public for Oregon

[NOTARIAL SEAL]

My commission expires July 17 - 1927

AFFIDAVIT OF WITNESSES

We, A. J. Jeldness, and John T. Robertson
of Hayward Oregon, being first duly sworn, depose and say that
we are well acquainted with the facts and conditions set forth in the foregoing statement relative
to proof of appropriation of water under Permit No. 5234; that we and each of us have
been over and upon each tract described in said proof, and from such personal inspection have
knowledge that all necessary ditches, dams and other diversion and distributing works have been
constructed, and water used as stated therein; that we have carefully read such proof of appropria-
tion, and that each and every statement contained therein is true to the best of our knowledge
and belief.

A. J. Jeldness
John T. Robertson

Subscribed and sworn to before me this 4th day of September, 1922

[NOTARIAL SEAL]

@ J. Massey
Notary Public for Oregon

My commission expires July 17-1927

J. Bent. Landreth have on October 27th
made an inspection of lands irrigated
under permit no 5234 and recommend
certificate be issued for 5.91 second ft

Bent. Landreth
Water Master Dist No. 2

Handwritten notes in cursive script, including the name "H. H. ...".

Handwritten notes in cursive script, including the name "Norma ...".



[REDACTED]

PROOF OF APPROPRIATION

Permit No.

Recording fee paid

Receipt No.

STATE ENGINEER
RECEIVED

JUL 12 1932

SALEM, OREGON

STATE ENGINEER
RECEIVED

NOV 28 1932

SALEM, OREGON

Noted here

Handwritten notes in cursive script, including the name "Norma ...".

RECEIVED OF THE STATE ENGINEER

RECEIVED
 JUL 19 1962
 STATE ENGINEER
 BAKER, OREGON

STATE OF OREGON

COUNTY OF BAKER

CERTIFICATE OF WATER RIGHT

This Is to Certify, That CLEAR CREEK RESERVOIR COMPANY

of Halfway, State of Oregon, has made proof to the satisfaction of the STATE ENGINEER of Oregon, of a right to the use of the waters of Clear Creek Reservoir constructed under Application No. R-8096, Permit No. R-515

a tributary of Pine Creek (Snake River) for the purpose of supplemental irrigation of 473 acres

under Permit No. 5234 of the State Engineer, and that said right to the use of said waters has been perfected in accordance with the laws of Oregon; that the priority of the right hereby confirmed dates from October 7, 1921

that the amount of water to which such right is entitled and hereby confirmed, for the purposes aforesaid, is limited to an amount actually beneficially used for said purposes, and shall not exceed 5.91 cubic feet per second

or its equivalent in case of rotation, measured at the point of diversion from the stream. The point of diversion is located in the SW 1/4 NE 1/4, Section 12, T. 6 S., R. 45 E., W. M.

The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, shall be limited to one-eightieth of one cubic foot per second per acre,

and shall conform to such reasonable rotation system as may be ordered by the proper state officer.

A description of the place of use under the right hereby confirmed, and to which such right is appurtenant, is as follows:

- | | |
|--------------------------|--------------------------|
| 1.6 acres SW 1/4 NE 1/4 | 11.6 acres NE 1/4 NE 1/4 |
| 3.0 acres NW 1/4 NW 1/4 | 40.0 acres NW 1/4 NE 1/4 |
| 16.2 acres SW 1/4 NW 1/4 | 40.0 acres NE 1/4 NW 1/4 |
| 22.4 acres SE 1/4 NW 1/4 | 16.0 acres NW 1/4 NW 1/4 |
| 36.6 acres NW 1/4 SW 1/4 | 35.0 acres SW 1/4 NW 1/4 |
| 34.4 acres SW 1/4 SW 1/4 | 35.0 acres SE 1/4 NW 1/4 |
| 31.4 acres SE 1/4 SW 1/4 | 16.0 acres NE 1/4 SE 1/4 |
| 19.6 acres NW 1/4 SE 1/4 | 30.0 acres SE 1/4 SE 1/4 |
| 8.0 acres SW 1/4 SE 1/4 | Section 30 |
| Section 29 | 25.0 acres NW 1/4 NE 1/4 |
| | 36.0 acres SW 1/4 NE 1/4 |
| | 12.2 acres NW 1/4 NW 1/4 |
| | Section 32 |
| | T. 7 S., R. 46 E., W. M. |

The right to the use of the water for the purposes aforesaid is restricted to the lands or place of use herein described.

THIS IS A DRAFT OF WATER RIGHT CERTIFICATE

See other side for instructions and final proof to be executed by permittee.

STATE OF OREGON
STATE ENGINEER
WATER RESOURCES DEPARTMENT
SALEM

516 PUBLIC SERVICE BLDG.
251 FINANCE BUILDING
170 12TH STREET S. E.

REFER TO 8108
FILE NO. _____

Clear Creek Reservoir Co.
c/o Howard Hope
Halfway, Oregon

Dear Sir:

On the reverse side of this paper is a copy of a draft of water right certificate to confirm the right under Permit No. ⁵²³⁴..... You are requested to examine this draft and if you find it correctly describes the appropriation of water made, execute the following final proof. A fee of \$1.00 is required for recording your certificate of water right in the office of the County Clerk. The fee of \$1.00, together with this signed draft, must be returned to the State Engineer.

Very truly yours,

~~CHRIS L. WHEELER~~
~~LEWIS A. STANLEY~~
State Engineer

FINAL PROOF

I have read the draft of water right certificate shown on the reverse side of this paper and as final proof of appropriation of water I hereby certify that the water has been used as described in said draft.

7-17-62
(Date)

Howard Hope
(Signature)

June 18, 1992

CLEAR CREEK RESERVOIR CO
ROUTE 1 BOX 137
HALFWAY OR 97834

Reference: File 8108

We received your letter requesting the water right record under water permit 5234 (certificate 29928) be corrected. We are unable to do what you request.

The water right record is considered correct, unless you can prove that an error was made at the time of final proof. I do not believe an error was made. The SW $\frac{1}{4}$ NE $\frac{1}{4}$, Section 30, T 7 S, R 46 E, W.M. was not included in the final proof of appropriation signed on behalf of the Company (copy enclosed).

At the time of the final proof survey, more land was found irrigated than could be allowed in the final water right. The Reservoir Company requested to irrigate 473 acres. The final water was issued for 473 acres. While the land may have been irrigated at that time, it was not included in the final water right.

You have the following options:

You may file an application for a new supplemental irrigation water right permit for use of stored water. The new application, if approved, may allow supplemental irrigation of those areas not having a water right.

You may file a transfer for a change in place of use. If there is land that now has a valid water right, that may be dried up, you may transfer that water right to this land. What you can not do is expand this water right through the transfer process.

If you are a qualifying district, you may file a petition under the provisions of ORS 541.325 to 541.333 (HB 3111). For more information on this process you should contact Jan Boettcher of the Oregon Water Resources Congress.



Clear Creek Reservoir Company
June 18, 1992
Page Two

Based on the water rights of record, you may not deliver water from the reservoir to this land. In order to do so, you will need to take advantage on one of the options listed above. You need to be aware that both the second and third options will only allow you to deliver water to 473 acres. Only the first option may allow you to increase the number of acres allowed to be irrigated.

LHN:wcm
1488W

Enclosure

cc: Vern Church, Watermaster

CLEAR CREEK RESERVOIR COMPANY

Route 1 Box 137
Halfway, OR 97834
Telephone: (503) 742-6022

8108

RECEIVED

JUN 1 6 1992

WATER RESOURCES DEPT.
SALEM, OREGON

June 1, 1992

Oregon Department of Water Resources
3850 Portland Avenue N.E.
Salem, OR 97310

re: Rights to Reservoir Water of Tax Lot 2400,
T.7S, R 46E, S.30, SW 1/4 of NE 1/4


To Whom It May Concern:


It has come to the attention of the Board of Directors of this Reservoir Company that there is an inaccuracy in the (1) verbal description shown in the Abstract of Permit No. 5234, filed October 7, 1921 so that it fails to conform to (2) the physical reality. The purpose of this letter is to see if this can't be straightened out.

From the time of construction of the Reservoir to the present time, the owners of this property have paid all assessments including annual assessments for 40 acres of reservoir water on the property described above. Each year they have used this water. The water has never gone anywhere else. In 1985, the then-owner, Mr. Ed Carr, asked the Board to formally transfer the reservoir water rights to this property and this was approved by the Board. A copy of the minutes of that annual meeting is enclosed. It was not necessary to say where the water was transferred from as it has always gone to this property. The problem is that the record does not recognize this.

You are requested to conform the record to the reality as described above. Thank you.

Very truly yours,


Bob Masterson
Secretary


Ben Bishop
President

waterres.ltr

RECEIVED

JUN 16 1985

WATER RESOURCES DEPT
SALEM, OREGON

July 28, 1985

Annual meeting of Clear Creek Res. Co. called to order by Vice
President Bill Wize in absent of President Vernon Tyler.

Sec report and treasure report were read and aproved.

It was voted on and aproved to pay all bills as they came in for
the next year.

~~the~~ Talked about the amount of water in ditches need to talk to Jay
this has nothing to do with res. co. nothing decided.

New Business

Election of Officers

President

Bill nominated Ben Bishop Dave M. sec. Bob move nom. close Dave sec.

Ben Bishop elected President all other officers and Directors reelected

No letter of instruction recieved from Forest Service yet this year.

Ben looked over Res. everything looked ok the only problem being the valve
on discharge is sticking it will be repaired when water is down.

Discussed amount of assement Larry H. Moved \$1.00 per share Bill W. sec
further discussinh was held vote was 9 yes 1 nomotion carried

General discussion of res. was held

Ed Carr wanted water filed with State correctly on property owned by
him being SW 1/4 of NE 1/4 Sec. 30. Bob moved water from res be transfered to
this land being 40 shares. Ben sec. motion motion carried.

Larry moved to adjourn Ben sec carried.

Sec Trea.
Bob Masterson

Bob Masterson

8108

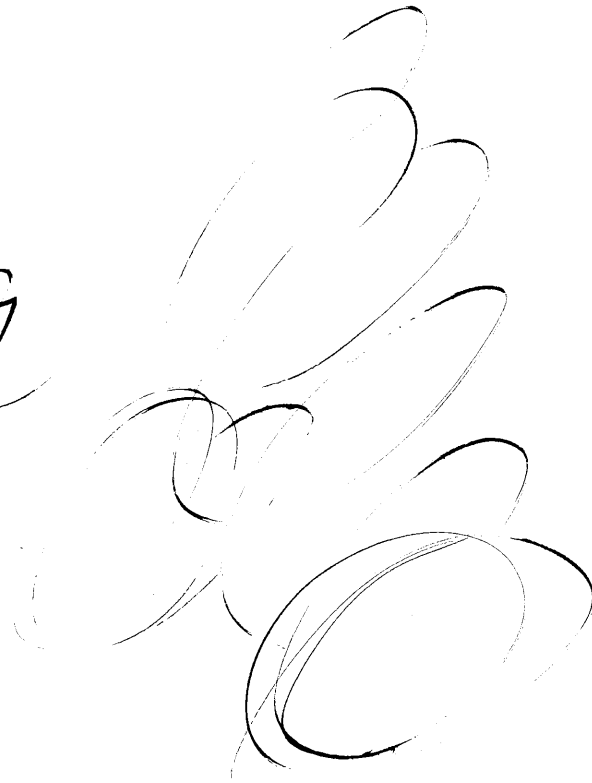
5234

29928

Barbara Phillip

742-6558

29927



Final proof
Jalce

Barbara Phillips
742-6558

Halfway OR

reservoir built - 1921
Clear Creek Res Co.

Certif. # - 29928 (3 weeks)

TOWNSHIP - 73 (?)
Range - 40 E
Sect - 30

40 acres - 5214

left off written description -
in map - 1970 -

Board of Co. - if map is "technical
error" - water right etc.

paying assessment since 1921

RECEIVED

JUL 16 1984

**WATER RESOURCES DEPT
SALEM, OREGON**

P. O. Box 438
Halfway, OR 97834
July 10, 1984

*da 5.20 ac 1888
1882 } 10451
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1890 }*

State Of Oregon
Water Resources Department
Salem, Oregon 97310

Dear Sir:

Clear Creek Reservoir Company constructed a reservoir under application #8096, permit #515. On August 24, 1962 your office issued a Certificate of Water Rights under permit #5234 to Clear Creek Reservoir Company for supplemental irrigation of 473 acres with priority dates from October 21, 1921.

I bought a ranch from John T. and Mable Robertson in 1961. I am enclosing a map made by Philo H. Anderson showing appropriation of water under permit R515 dated March 9, 1923. This map clearly shows water as being applied to the SW 1/4 of the SE 1/4 of Section 30. The stored water in Clear Creek Reservoir that was to be used on the SW 1/4 of the SE 1/4 of Section 30 as shown on permit R515 has been used on that land since the construction of the Clear Creek Reservoir, by John T. Robertson until 1960 and by myself since the purchase of that land in 1961. Your final proof survey under application 8108 and permit #5234, surveyed in 1960 by M. Bish, still shows that SW 1/4 of the SE 1/4 of Section 30 as being irrigated by Clear Creek water.

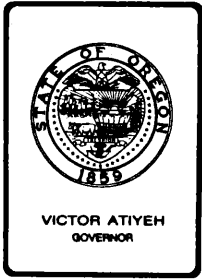
At the present time I own 40 shares of Clear Creek Reservoir Company stock, part of the original 188 shares transferred to me by John T. Robertson, giving me water storage for the SW 1/4 of the SE 1/4 of Section 30. I feel that the water right for the SW 1/4 of the SE 1/4 of Section 30 was inadvertently left out of the Certificate of Water Rights under permit #5234. Since the supplemental water stored in Clear Creek Reservoir has been used on the SW 1/4 of the SE 1/4 of Section 30 for 63 years I feel the Certificate of Water Rights under permit #5234 should be amended to include the SW 1/4 of the SE 1/4 of Section 30.

Respectfully submitted,


Robert W. Howard

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7522E



Water Resources Department

MILL CREEK OFFICE PARK

555 13th STREET N.E., SALEM, OREGON 97310

PHONE 378-8508

November 8, 1984

Robert W. Howard
PO Box 438
Halfway, OR 97834

REFERENCE: File Number 8108

Dear Mr. Howard:

We received your letter of July 10, 1984 regarding the omission of the SW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 30, Township 7 South Range 46 East from Certificate Number 29928 which was issued as a result of Permit Number 5234. The permit was filed by the Clear Creek Reservoir Company for the purpose of supplemental irrigation of 473 acres. The certificate was issued for the maximum allowance under the permit being the full 473 acres.

In your letter you state that the survey made by Philo H. Anderson shows the SW $\frac{1}{4}$ SE $\frac{1}{4}$ being irrigated. The copy submitted by you, I am returning herewith does not indicate anything in the SW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 30. Permit Number 5234 did not request any use within that forty and a decision had to have been made at the time of the issuance of the certificate as to what lands would be awarded rights under that permit. The decision then and agreed to by the Clear Creek Reservoir Company was that the lands in the SW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 30 would not receive water under that permit. The map which you refer to of the survey shows all the lands that were being irrigated and indicates 35.6 acres within that forty as having been irrigated at sometime. That land was not however included in the certificate and could not be since the maximum allowance had been made. There were several other certificates of water right which involve the SW $\frac{1}{4}$ SE $\frac{1}{4}$, copies are enclosed for your reference. Certificate Number 10334 awarded the right to 20 acres with a date of priority of 1883, Certificate Number 10451 awarded 5.0 acres with a 1882 priority and 7.0 acres with 1883 priority. In addition to that under Permit Number 28549 another 3.6 acres were awarded to that forty acre tract bringing the total to the 35.6 acres which were noted as having been irrigated. Perhaps a decision to not include that land was made on the basis that the priority for the direct flow right on the adjudication survey was early enough that supplemental storage was not required or that the class of soils was such that it did not need the amount of water that some other lands within the project did. The original application for Permit Number 5234 stated that certain lands needed additional waters to be able to grow crops based on the soil that was involved.

Robert W. Howard
November 8, 1984
Page 2

Should you desire to protest the issuance of Certificate No. 29928 you would be required to follow the statutory procedure outlined under Oregon Revised Statute 537.260 sub-paragraph (3) and also 537.420. Basically those statutes outline the procedure which must be followed in order to change a certificate which has been issued. The time frame in which to protest a certificate is three months after the date of issuance and I do not see any manner in which Certificate No. 29928 could be challenged at this late date. Perhaps the 1882 and 1883 rights will give you the time frame that you needed so as to not need the storage water and your problem would not be of such nature that you would have a major concern with the issuance of Certificate Number 29938 anymore. If you feel you need additional storage rights then I suggest that you contact the Clear Creek Reservoir Company to initiate proceedings to develop additional storage capacity in the reservoir or gain transfer of lands that were identified under the certificate with storage to formally change the location of the place of use to your land.

Please accept my apology for taking so long to dig out the information and give you the response you needed. If you have any further questions please feel free to contact me.

Sincerely,

Bruce A. Estes, Supervisor
Survey/Certificate Section

BAE/jw

OREGON



NOTICE OF INTEREST IN WATER RIGHT

Department of Veterans' Affairs

| | | |
|---|--|---|
| TO: Director of Water Resources 3850 Portland Road N.E. Salem, Oregon 97310 | DATE SENT TO WATER RESOURCES FEB 07 1986 | DATE REC'D BY WATER RESOURCES RECEIVED FEB 07 1986 WATER RESOURCES DEPT SALEM, OREGON |
| | DATE RETURNED TO DVA | |

This is to notify you of an interest in the following described water right:

| | | | |
|---|--------------------------------|------------------------|--|
| LOAN NUMBER P41852 | FIELD OFFICE Ontario | COUNTY Baker | ACREAGE IRRIGATED: ORIGINAL APPRAISAL _____ ACTUAL _____ |
| NAME OF BORROWER (LAST, FIRST, M.I.) Masterson, Robert J. | | | |
| MAILING ADDRESS | | | |
| COMMENTS | | | |

Completed by DVA

| PROPERTY AND WATER RIGHT INFORMATION | | | |
|--------------------------------------|-------------|--|--|
| TOWNSHIP | 7 S | | |
| RANGE | 46 E | | |
| SECTION | 30 | | |

Completed by WATER RESOURCES

| | | | |
|---------------------|------------------------------|-------------------------------------|----------------------------------|
| APPLICATION | NUMBER: | 8108 | Pine Creek |
| PERMIT | NUMBER: ACRES: STATUS: | 5234 | Dec Vol 11 P 316 |
| CERTIFICATE | NUMBER: ACRES: | 29928 1416 Ac Supp | 10480 20 Ac Pym |
| IRRIGATION DISTRICT | NUMBER: | | |
| DOMESTIC WATER | NUMBER: | | |
| COMMENTS | | | |

2-10-86
DM

The State of Oregon, by and through the Director of Veterans' Affairs, has a security interest in the above-described property and hereby requests that no action be taken to diminish the water right without notifying the Department of Veterans' Affairs, 700 Summer Street, N.E., Salem, Oregon 97310 Attention: Butch Gehley, Operations Compliance Manager.

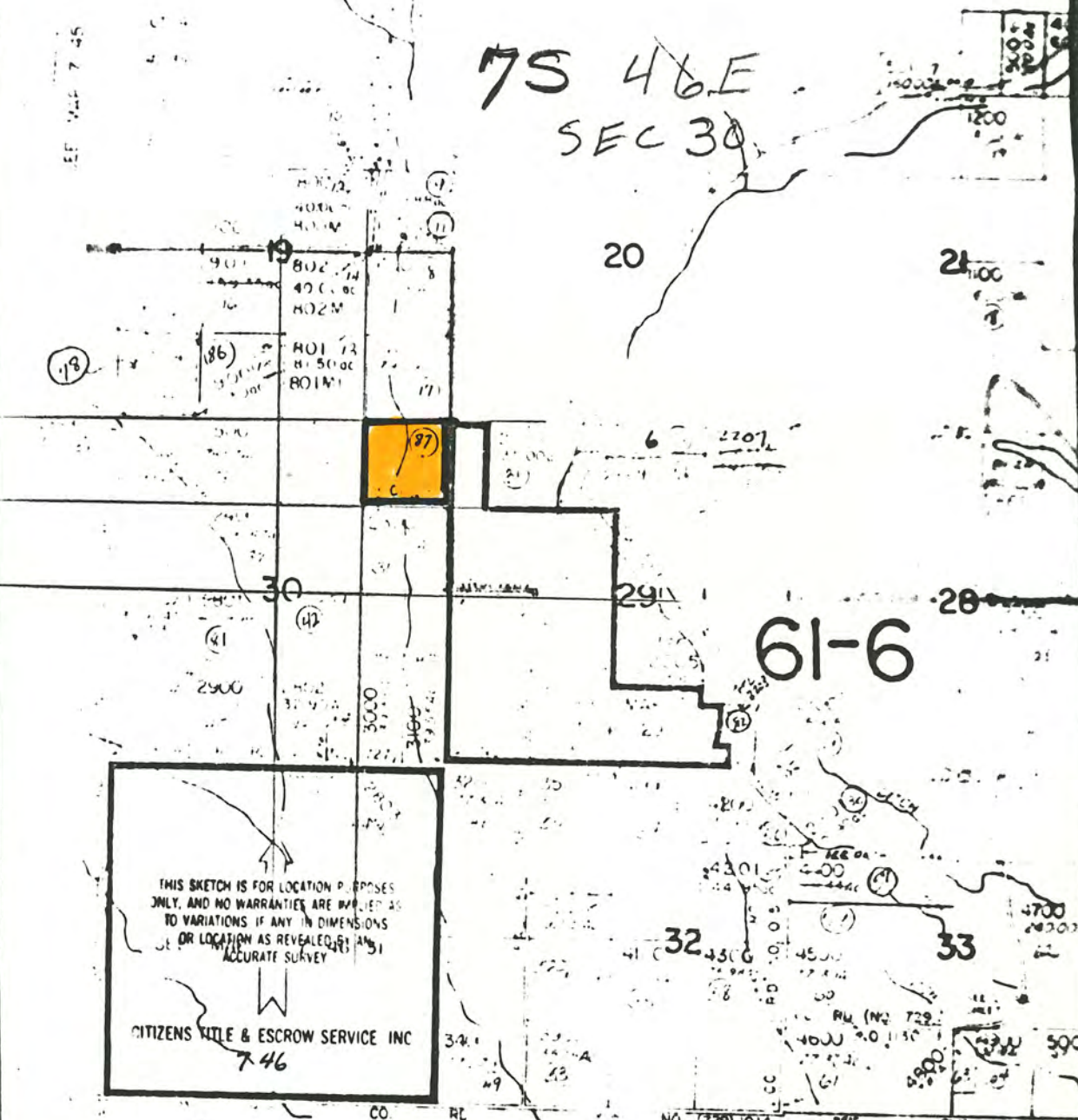
Attachments:

Legal Descriptions Plat Maps Please return copy to ODVA

18

17:028 29:16

7S 46E
SEC 30



THIS SKETCH IS FOR LOCATION PURPOSES ONLY, AND NO WARRANTIES ARE IMPLIED AS TO VARIATIONS IF ANY IN DIMENSIONS OR LOCATION AS REVEALED BY AN ACCURATE SURVEY

CITIZENS TITLE & ESCROW SERVICE INC
746

61-6

NO 729 014

SEE M

STATE OF OREGON

COUNTY OF BAKER

CERTIFICATE OF WATER RIGHT

This Is to Certify, That **CLEAR CREEK RESERVOIR COMPANY** of **Halfway**, State of **Oregon**, has made proof to the satisfaction of the **STATE ENGINEER** of Oregon, of a right to the use of the waters of **Clear Creek Reservoir** constructed under Application No. **R-8076**, Permit No. **R-515** a tributary of **Pine Creek (Santa River)** for the purpose of **supplemental irrigation of 473 acres** under Permit No. **5234** of the State Engineer, and that said right to the use of said waters has been perfected in accordance with the laws of Oregon; that the priority of the right hereby confirmed dates from **October 7, 1921**

that the amount of water to which such right is entitled and hereby confirmed, for the purposes aforesaid, is limited to an amount actually beneficially used for said purposes, and shall not exceed **5.91 cubic feet per second**

or its equivalent in case of rotation, measured at the point of diversion from the stream. The point of diversion is located in the **SW 1/4 NE 1/4, Section 12, T. 6 S., R. 45 E., W. M.**

The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, shall be limited to ~~one-eighth~~ **one-tenth** of one cubic foot per second per acre,

and shall conform to such reasonable rotation system as may be ordered by the proper state officer.

A description of the place of use under the right hereby confirmed, and to which such right is appurtenant, is as follows:

SW 1/4 SE 1/4 Sec 30

- | | |
|----------------------------|----------------------------|
| 1.6 acres SW 1/4 NE 1/4 ✓ | 14.6 acres NE 1/4 NE 1/4 ✓ |
| 3.0 acres NW 1/4 NW 1/4 ✓ | 40.0 acres NW 1/4 NE 1/4 ✓ |
| 16.2 acres SW 1/4 NW 1/4 ✓ | 40.0 acres NE 1/4 NW 1/4 ✓ |
| 22.4 acres SE 1/4 NW 1/4 ✓ | 16.0 acres NW 1/4 NW 1/4 ✓ |
| 36.6 acres NW 1/4 SW 1/4 ✓ | 35.0 acres SW 1/4 NW 1/4 ✓ |
| 31.4 acres SW 1/4 SW 1/4 ✓ | 35.0 acres SE 1/4 NW 1/4 ✓ |
| 31.4 acres SE 1/4 SW 1/4 ✓ | 16.0 acres NE 1/4 SE 1/4 ✓ |
| 19.6 acres NW 1/4 SE 1/4 ✓ | 30.0 acres SE 1/4 SE 1/4 ✓ |
| 8.0 acres SW 1/4 SE 1/4 ✓ | Section 30 |
| Section 29 | 25.0 acres NW 1/4 NE 1/4 ✓ |
| | 36.0 acres SW 1/4 NE 1/4 ✓ |
| | 12.2 acres NW 1/4 NW 1/4 ✓ |
| | Section 32 |
| | T. 7 S., R. 46 E., W. M. |

The right to the use of the water for the purposes aforesaid is restricted to the lands or place of use herein described.

WITNESS the signature of the State Engineer, affixed this date, **AUGUST 24 1922**

CHRIS L. WHEELER
State Engineer

R-8096
8108

January 17, 1963

Clear Creek Reservoir Co.
c/o Howard Hope
Halfway, Oregon

Dear Mr. Hope:

Enclosed is State Engineer's check No. 9637 in the amount of \$2.00 which is a refund of excess Certificate Recording fees paid by your company in connection with water right Permits Nos. R-515 and 5234. A review of your files shows that the fees had been paid in 1932 and again in July 1962. This refund will balance out your accounts.

Very truly yours,

Chris L. Wheeler
State Engineer

By
Bookkeeper

July 9, 1962

Clear Creek Reservoir Co.
c/o Howard Hope
Halfway, Oregon

Dear Mr. Hope:

Enclosed are the drafts of the proposed certificates in connection with permits numbered R-515 and 5234 and a print of the final proof survey map. As discussed in earlier letters, this shows considerable more land irrigated than was in the original permit. The draft was made up as nearly as possible to conform to the permit and the existing rights as this is for supplemental irrigation.

These drafts should be examined and signed by an authorized official of the Clear Creek Reservoir Company and returned together with the certificate recording fee of \$1 each.

Very truly yours,

CHRIS L. WHEELER
State Engineer

By
Trevor Jones, Assistant

TJ:jh
Enc.

R-2100
2-10-62
R-1096
2100

February 20, 1962

James Ritter
Halfway
Oregon

Dear Mr. Ritter:

We have written several times regarding Permits numbered 5234, 10799, R-662 and R-515 in the name of the Clear Creek Reservoir Company. As we previously stated in our letters, our field engineer found the total of 810 acres irrigated and the permit describes only 438 acres. I requested a list of owners and the quantity of water distributed between them if you had any preference and stated that we would conform to this as nearly as possible within the limits of the permit in preparing the proof. We have not received any correspondence regarding this and therefore we are preparing a draft of a proposed certificate confirming as nearly as possible to the permit without regard for any possible share basis for distribution of water.

Permit number R-662, which describes an enlargement of the reservoir which was not made, and Permit number 10799, describing the use of water stored in the proposed enlargement will be cancelled.

Very truly yours,

LEWIS A. STANLEY
State Engineer

By
Trevor Jones, Assistant

TJ:Jh

cc: Mr. Elmer Douglas
Halfway, Oregon

2-11-61
11:30
R-8096
8105

September 19, 1961

James Ritter
Halfway
Oregon

Dear Mr. Ritter:

Mr. W. L. Jackson of Jackson & Johnson, Attorneys at Law, request that some information be furnished you in regard to permits of Clear Creek Reservoir Company, which was sent early in August.

As you know the final proof survey in connection with Permit number 9231 has been made and our field engineer found a total of 650.5 acres irrigated. The permit describes the irrigation of 430 acres. I understand the stored water is distributed on a share basis, so it seems advisable to have a list by ownership or by location within a section of the share holders and prepare the proof as nearly as possible to conform to this. Our other alternative in preparing proof is to agree as nearly as possible with the application. The permit describes the use of water for supplemental irrigation so no land could be included which does not have a prior right. I have twice written Elmer Douglas of this and have had no reply.

Permit number 1-662 provided for an enlargement of the reservoir which was not done. Permit 10779 describes the use of the water to be stored in the proposed enlargement. Since the terms of these two permits have not been complied with, they should be cancelled.

Very truly yours,

W. L. JONES
State Engineer

W
Walter Jones, Assistant

WJ:jh

R-8096
8108
R-14831-2

August 2, 1961

Jackson and Johnson
Attorneys at Law
P. O. Box 851
Baker, Oregon

Attention Mr. Jackson

Gentlemen:

In reply to your letter of July 27, there are four water right permits of record in the name of the Clear Creek Reservoir Company, which rights are listed as follows:

Permit No. R-515 issued on October 20, 1921 in approval of application No. R-8096 granted the right to construct "West Fork Clear Creek Reservoir" within Section 12, Township 6 South, Range 45 East, W.M. and store therein 257.35 acre feet of water from the West Fork of Clear Creek, with the priority date of September 19, 1921, for the purpose of irrigation.

Permit No. 5234 issued on October 20, 1921 in approval of application No. 8108 granted the right to appropriate not to exceed 5.91 cubic feet per second from the West Fork of Clear Creek and the reservoir constructed under permit No. R-515, with the priority date of October 7, 1921, for a supplemental supply for the irrigation of 473 acres of land already having a partial water right.

The time limit for completion of construction of the facilities necessary under the provisions of permit No. R-515 and permit No. 5234 expired on October 1, 1923. The time limit for completion of the appropriation under permit No. 5234 expired on October 1, 1925.

Permit No. R-662 issued on March 18, 1933 in approval of application No. R-14831 granted the right to construct Clear Creek Reservoir within Section 12, Township 6 South, Range 45 East, W.M. and store therein 550 acre feet of water from the West Fork of Clear Creek, with the priority date of December 19, 1932, for the purpose of irrigation. The records indicate that 550 acre feet was intended to be the total capacity of the reservoir after the proposed enlargement.

August 2, 1961

Permit No. 10799 issued on March 18, 1955 in approval of application No. 14852 granted the right to appropriate not to exceed 550 acre feet of water from Clear Creek Reservoir, with the priority date of December 19, 1952, for supplemental irrigation of 770 acres of land within Sections 19, 29, 30, 31 and 32, Township 7 South, Range 46 East, W.M. The coverage of land by permit No. 10799 duplicates in part the coverage under permit No. 5234.

The time limits for completion of construction of the necessary facilities under the provisions of permits numbered R-662 and 10799 and for completion of the proposed appropriation under the terms of permit No. 10799, as last extended, expired on October 1, 1956.

If the actual capacity of the reservoir as of October 1, 1956 is determined to be in excess of the 257.55 acre feet authorized by permit No. R-515, the excess is covered by permit No. R-662.

The right for any enlargement of the reservoir subsequent to October 1, 1956 must be obtained through the filing of a new application for permit to construct the enlargement and store additional water therein, and accompanying secondary application for permit for use of the additional stored water.

When I discussed your letter with Fred Gustafson earlier this week he stated that he did not propose to be in your area until about the 7th or 8th of this month.

Very truly yours,

LEWIS A. STANLEY
State Engineer

By
James W. Carver, Jr., Assistant

JWC:eh

cc - Mr. James Ritter
Halfway, Oregon

R- 8096
8108
R-14831-2

July 14, 1961

Mr. Elmer Douglas
Clear Creek Reservoir Company
Halfway, Oregon

Dear Mr. Douglas:

On May 12, 1961, I wrote you regarding permit No. 3234 concerning the advisability of having the proof prepared to conform at least in part with various interests in the reservoir.

Unless a reply is submitted so we can prepare the proof within 30 days from the date of this letter, proof will be prepared as nearly as possible to the lands described in the permit and within the limitations mapped by our field engineer.

Very truly yours,

LEWIS A. STANLEY
State Engineer

By
Trevor Jones, Assistant

TJ:eh

MEMORANDUM ON INSPECTION OF THE CLEAR CREEK RESERVOIR

Clear Creek Reservoir was inspected August 21, 1957, by Mr. A. M. Petaska accompanied by Thomas Griffith, Assistant Ranger for the U. S. Forest Service located in Halfway, Oregon.

Clear Creek Reservoir was first constructed in the year 1924. At that time a dam 20 feet high was constructed by the use of horses and slip scrapers with a concrete core wall located along the center line of the dam. Rock fill was placed below this core wall and consists of ill sorted granite boulders. The reservoir served satisfactorily until 1930 and at that time it was proposed to increase its height 20 feet. Plans were prepared by Mr. Philo Anderson of Baker. These plans were received in 1932 by the State Engineer's office and were approved. Since that time the secretary of the Clear Creek Reservoir Company has written repeatedly for extensions of time to complete the construction. No work has been done on the dam since the plans were approved.

The present dam shows signs of having overtopped in two places and the dike shows signs of having overtopped in one place. The spillway is choked with debris, large logs, limbs, and snags, and has a temporary rock dam in the spillway. The freeboard, when the reservoir is full, is plus or minus 6 inches. Small springs or seeps were noted below the dam on both abutments and approximately 50 to 100 feet below the dam. Where the dam has overtopped the earthen material ahead of the core wall has been eroded down to the level of that core wall and the rocks immediately behind the place of overtopping have been displaced.

In the event the State Engineer does not grant another extension of time to reconstruct the reservoir as approved in 1932, repairs to this structure should be undertaken within the following year. Rocks will have to be moved back into place behind the concrete core wall, a new spillway constructed and the reservoir cleared of all organic debris.

8108
8096

May 12, 1961

Clear Creek Reservoir Company
c/o Elmer Douglas
Halfway, Oregon

Dear Mr. Douglas:

Permit number 3234 in the name of Clear Creek Reservoir Company describes supplemental irrigation of 438 acres. The area mapped by our field engineer in September, 1960 totals 858.5 acres. I understand the stored water is distributed on a share basis, so before final proof is prepared it seems advisable to have either a list by forties of what land the right should be appurtenant to or a list by ownership.

This right is entirely supplemental and no land could be included which does not have a primary right.

I am enclosing a print of the final proof map for your information.

Very truly yours,

LEWIS A. STANLEY
State Engineer

By
Trevor Jones, Assistant

TJ;kr
Enclosure

print of final proof map

6-2
1-2076
228
1-2101
1432

August 30, 1960

Mr. William S. Wood
Halfway
Oregon

Dear Mr. Wood:

I wish to thank you and Mrs. Wood for the hospitality and courtesy extended to me while on my trip to Halfway last week. I made the East Lakes inspection Friday arriving back in time to see Ed Abbott at the Pine Ranger District office where I checked on the matter of special entry permits for moving construction equipment into the wilderness area.

I have just completed a review of the Clear Creek reservoir files and find that I may have been too optimistic about construction getting under way this fall. First, permits numbered R-515 and 5234 have been held up for final proof survey since 1952 pending completion anticipated through enlargement proposed through permits numbered R-662 and 10799. With reference to the latter two permits, Mr. Chris Wheeler wrote to Mr. John F. Robertson on October 5, 1956 explaining his doubt that a further extension of time would be granted but enclosing forms for making applications for extension of time together with forms for indicating completion of construction and complete application of water. The application for extension of time was not submitted so the date for completion expired on October 1, 1956. Accordingly, unless Mr. Stanley feels that there is some provision in the water laws whereby he may re-open the file, final proof must be made for the project as it now exists and new applications will have to be made for the enlargement. This question will be posed to Mr. Stanley upon his return from a meeting with the Western State Engineers.

Second, in the event that an extension should be possible, further loss of time is anticipated through possible alteration of plans, which alterations would have to be approved. There is the possible substitution of an earth core for the concrete cutoff wall as was discussed in the field. This would entail submission of plans showing the alternate construction with complete detail as to delineation of filter zones and treatment of the existing downstream rock fill. There is also the possible modification of the 2:1 slope for the rock fill shown on Mr. Anderson's plans. Although calculations in the dam file indicate that slope modification may be plausible, such modification would have to be submitted to this office for approval supported by the stability calculations. Another modification of the plans would involve rewording of Mr. Anderson's description of the installation of the gate and gate control inasmuch as the use of universal joints is somewhat outmoded.

Mr. William S. Wood

- 2 -

August 25, 1960

In the event of the use of an earth core, time will be lost in obtaining soil samples and in getting them analyzed. Actually until the analyses are obtained, one would have no grounds upon which to base a design involving an impervious earth core.

As I understand it the application still has not been made for special entry into the wilderness area for this project. Although Mr. Abbott already has laid the ground work through the East Lake project for issuance of special entry permits loss of time is anticipated inasmuch as the regional office, before the permits are issued, in all probability will wish to review the plans. Should the plans already have been approved by the Forest Service the time involved in issuing the permits probably would be short. Any changes, however, because of the size of the dam would have to be approved through the Washington office, which even under the most favorable circumstances would require from two to four weeks.

Considering the foregoing, I recommend that final proof be made on the original permits, that you authorize cancellation for the permits for the enlargement, and that you submit applications for new permits accompanied by plans and specifications showing such revisions of design as your engineer shall recommend. Your authorization of cancellation will save the time involved in cancellation under the provisions of ORS 537.260 for failure to complete the project within the time limits of the permits.

Very truly yours,

LEWIS A. STANLEY
State Engineer

By
Fred D. Gustafson
Engineer

FDG:mb
enc

cc: Clear Creek Reservoir Company

August 5, 1926

Mr. A. A. Smith
Shoemaker Building
Baker, Oregon

Dear Mr. Smith:

I have your letter of July 30, with further reference to the application of Mr. H. C. Pritchard, for a transfer of water right from lands of Tom and Laura Pritchard.

Upon investigation I find that this application was filed in connection with permit #5234, of the Clear Creek Reservoir Company. The transfer was apparently approved, but no formal order has been entered. I have accordingly prepared such an order and I am enclosing two copies of same herewith, for your files.

The time for the completion of the water right covered by permit 5234 expired October 1, 1925. Noone has filed a request on behalf of the company for permission to prove up under this filing, but the records indicate that the appropriation is completed. I am accordingly enclosing herewith final proof blanks and will appreciate it if you will place them in the hands of the proper party so that proof may be made and certificate issued on this appropriation.

Yours very truly

Rhea Luper
State Engineer

RVL:FK
ENCL

LAW OFFICES OF
ALLAN A. SMITH
SHOEMAKER BUILDING
BAKER, OREGON

July 30th, 1926.

Mr. Rhea Luper,
Salem, Oregon.

Dear Mr. Luper:-

I have comparatively little information about the matter of the Pritchard transfer. I have however, a letter written by you on December 24th, 1925, to Mr. H. C. Pritchard which letter reads as follows:

" This will acknowledge receipt of your letter of December 12, 1925, transmitting petition and statement from the water users and stockholders of the Clear Creek Reservoir Company relative to the transfer of water from the lands of Tom and Laura Pritchard to your lands; also statement signed by Tom and Laura Pritchard consenting to the proposed change.

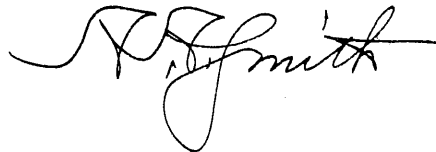
It would appear that the proposed transfer is satisfactory to the company, and the papers have accordingly been placed on file.

A record of the change in place of use of water will be made at the time of submitting final proof under the permit.

Trusting you will find this satisfactory, etc."

Trusting that this will enable you to locate the application so that this matter may go along in the ordinary way, I am

Yours very truly,



AAS-CR

See packet for
Account
5234

July 28, 1926.

Mr. A. A. Smith,
Shoemaker Building,
Baker,
Oregon.

Dear Sir:

I have your letter of July
26th relative to a transfer of water right from
Thomas B. and Laura Pritchard to F. C. Pritchard.

I have examined our files, but
have been unable to locate any application by these
parties. I would appreciate it if you would give me
further information which will enable us to locate
the application if one has been filed.

Yours very truly,

Rhea Luper,
State Engineer.

RWP:AR

LAW OFFICES OF
ALLAN A. SMITH
SHOEMAKER BUILDING
BAKER, OREGON
July 26th, 1926.

Mr. Rhea Luper,
State Engineer,
Salem, Oregon.

Dear Mr. Luper:-

There has been placed in my hands the matter of the transfer of water right from Thomas B. Pritchard and Laura Pritchard to H. C. Pritchard. It does not appear however, that this transfer has been formally approved. Will you kindly advise me the present status of this application for transfer.

Yours very truly,



AAS-CR

December 24, 1925.

Mr. H. C. Pritchard,
Halfway,
Oregon.

Dear Sir:

This will acknowledge receipt of your letter of December 12, 1925, transmitting petition and statement from the water users and stockholders of the Clear Creek Reservoir Company relative to the transfer of water from the lands of Tom and Laura Pritchard to your lands; also statement signed by Tom and Laura Pritchard consenting to the proposed change.

It would appear that the proposed transfer is satisfactory to the company, and the papers have accordingly been placed on file.

A record of the change in place of use of water will be made at the time of submitting final proof under the permit.

Trusting that you will find this satisfactory, I am

Very respectfully,

Rhea Luper,
State Engineer.

RR

9 Dalway ave
Dec 12 1925

Mr Rhea Luper

Dear Sir:

Inclosed you will find the
petetition and I think I have
it done right this time but if
I haient write as soon as possible
and tell me how to fix it

Yours Truly
J.C. Smithard

STATE ENGINEER
RECEIVED

DEC 15 1925

SALEM. - - OREGON

November 24th, 1925.

To the State Engineer
Salem, Oregon:-

We, Tom Pritchard and Laura Pritchard not desiring to use the water granted us under permit by the Engineer in the Clear Creek Reservoir, which said water was granted to cover the Southeast Quarter of the Northeast Quarter, Section 30, Township 7. South Range 46, East of the Willamette Meridian, hereby give our consent and request that your office transfer the said rights to H.C. Pritchard, to cover the Northwest Quarter of the Northeast Quarter, Section 14, Township 8. South Range 46. East of the Willamette Meridian.

Tom Pritchard
Laura Pritchard

STATE ENGINEER
RECEIVED

DEC 15 1925

SALEM. - - OREGON

Halfway Oregon Nov 24th, 1925.

We, the undersigned water users of the Clear Creek Reservoir Company do hereby state that the transering of the water granted in said reservoir to Tom and Laura Pritchard if transfered to the lands of H.C.Pritchard as petitioned for in petition hereunto attatched will not in any way damage the other users of the said Clear Creek Reservoir.

J. R. Ritter ✓

E. T. Douglas ✓

Wm Malone

J. P. Ritter ✓

John J. Robertson ✓

J. W. Deaderick ✓

S. A. Hulse ✓

J. M. McCallum ✓

G. T. Steele ✓

Edith M. Steele

Georg R. Largo ✓

Willis Mitchell ✓

A. N. Williams ✓

H. J. Jeldness ✓

Ed. Mehlhorn ✓

Halfway, Oregon October 31, 1925.

To the Honorable Rhea Luper State Engineer, we the undersigned stock holder of the Clear Creek Reservoir Company do respectfully petition your office to transfer the stock in the Clear Creek Reservoir Company belonging to Thomas Pritchard and Laura Pritchard from the Southeast Quarter of the Northeast Quarter of Section Thirty, Township Seven, South Range Forty Six, East of the Willamette Meridian to the Northwest Quarter of the Northeast Quarter of Section Fourteen, Township Eight, South Range Forty Six, East of the Willamette, Meridian belonging to H.C. Pritchard, the water having never been used on the former lands.

J. R. Ritter ✓
A. White ✓
S. A. Hulse ✓
J. P. Ritter ✓
H. Jeldness ✓
John T. Robertson ✓
Mr. Deaderick ✓
G. T. L. Lute ✓
G. P. Roof ✓
E. T. Douglas ✓
J. M. McCallum ✓

Willis Mitchell ✓
A. H. Williams ✓
Edward Mehlhorn ✓
Geo. R. Craig ✓

STATE ENGINEER
RECEIVED
NOV 12 1925
SALEM. -- OREGON

November 19, 1925.

Mr. H. C. Pritchard,
Halfway,
Oregon.

Dear Sir:

I am in receipt of your letter of November 9th transmitting a petition signed by the stock holders of the Clear Creek Reservoir Company with reference to a proposed transfer of water from the lands of Tom and Laura Pritchard in the SE $\frac{1}{4}$ NE $\frac{1}{4}$ Section 30, Township 7 South, Range 46 East, W. M., to your lands in the NE $\frac{1}{4}$ of Section 14, Township 8 South, Range 46 East.

In view of the fact that final proof has not been submitted, I believe the permit could be amended to cover your lands and eliminate the lands belonging to Tom and Laura Pritchard, provided, of course, the rights of other water users were not injured by such a change.

However, before making a change of this kind we would like to have for our records a statement signed by the parties owning the land, consenting to the change.

I am therefore returning the petition herewith, and suggest that you have attached thereto a statement signed by Tom and Laura Pritchard to the effect that they do not intend to use the water on the SE $\frac{1}{4}$ NE $\frac{1}{4}$ Section 30, Township 7 South, Range 46 East, and are willing to have the right transferred to your lands. You should also give a definite description of the lands upon which you propose to use the water, stating the number of acres within each forty acre tract.

Upon receipt of this information the petition will be recorded in the Miscellaneous Records of this office and proper notations made on our records.

Attention is called to the fact that the terms of permit No. 5234, of the Clear Creek Reservoir Company, required that the water be completely applied to the proposed use on or before October 1, 1925.

Yours respectfully,

Rhea Luper,
State Engineer.

ER
Enclosure.

STATE ENGINEER
RECEIVED

NOV 12 1925

SALEM. - - OREGON

Halfway Ore
Nov 9, 1925.

Dear Sir

I am writing in regards of the Reservoir cite my Boy went into the reservoir and all he did was pay the surveying assessment which was \$10 and he told me to keep the other assessment paid and he would pay me when he come back from California and if he didnt pay me I could have the water and he turned the water to me the last day of last April I have

paid ever dollar except 10
that has been paid and the
water has never been used
on that land.

Mr Gross held the
mortgage on the place before
the Reservoir ever started
and ever man that is a stock
holder is in favor of me
having it transferred so
if you can transfer it do so
and send me your bill and I
will pay it I am also sending
you a petition that has been
signed by the stock holders
so let me know about it
as soon as possible
Yours truly
H. C. Ritchard

August 25, 1925.

Mr. H. C. Pritchard,
Halfway,
Oregon.

Dear Sir:

We are in receipt of your letter of August 15th with reference to your storage rights in the Clear Creek Reservoir. As I understand it you merely wish to change the place of use of the water temporarily, and if this is the case I do not see why you couldn't do so without a formal order from this department, providing, of course, no other water users are injured thereby.

Yours very truly,

7. J. Pritchard
6371
6402 - 3999 - 5212
585
5712
91-3-6-26

STATE ENGINEER
RECEIVED

AUG 18 1925

SALEM, OREGON

Halway Ore
August 25/1925.

Dear Sir:

I will write you in regards of the Clear Creek Reservoir. Jam Pritchard has 40 acres of land that he has a water right out of the Reservoir and the owner of the land is about to foreclose. Now the land was under mortgage he got he bought it and he just let the old mortgage stand but since he bought the land he has went in to the Reservoir for water. He paid for the surveying and then he left here and J. G. C. Pritchard has paid all the water assessments. The reservoir men are going to turn the water lose next week and I would the water changed and put on my north forty.

He told me when he went away to keep the water paid for and if he

didnt pay me I could have the
water and put it on my Ranch
the right in the Resivoir has
cost me at about \$400. and I dont
think it is right for me to loose that
amount of money now if you will
take a half of it and fix it so I can
have it on my north 40 I will
pay you for your work I would
like to use it on my ranch when
they wme it out. and I if you can
give ~~to~~ me the right to I would
like for you to do it. Shelton said
he would get it - but he is affel
slow - so I thought I would write
to you if you could let me use it
on my ranch this year. please let
me hear from you as soon as possible

Yours truly
H. C. Prithard

Per. nos. R-515
X 5234

January 18th, 1924.

Mr. L. C. Hulse,
Halfway, Baker County,
Oregon.

Dear Sir:-

I am in receipt of your letter of January 12th with reference to the water rights of the Clear Creek Water Users Association under Permits Nos. R 515 and 5234.

I note the Company now desires to enlarge its irrigation system, and I am enclosing application blank and copy of instructions for your use in making a filing for storage of additional water.

If you expect to irrigate additional land from the reservoir, it will also be necessary for you to file a secondary application covering such land, and I am therefore enclosing secondary application blank for that purpose.

An extension of time was allowed under Reservoir Permit No. 515 until June 1st, 1924, within which to complete construction of the reservoir, and no record need be filed until that time. A blank upon which the notice may be filed is attached to the permit.

I note the name of the Company has been changed to the Clear Creek Reservoir Company and we have accordingly made the change on our records.

Trusting this will give you the desired information, I am

Yours respectfully,

Rhea Luper,
State Engineer.

ER-LA

STATE ENGINEER
RECEIVED

JAN 17 1924

SALEM, OREGON

Halfway, Oreg.

1-12-1924

State Engineer, Salem, Oreg -
I am writing you in regards
to the Clear Creek Res. Co.,
which you have on file in
your office, we have reorganized
the Co., and want to enlarge
the dam of which you will
receive a copy of blue print
made by J. L. Huffman, of Baker
County Surveyor of Baker Co.,
you will please send me
the Application Blank for the
Permit to Enlarge the Res. also

any other Papers we have
to file with you. you will
find on file all the Original
filings and Permits. I will
send you a statement of all
work done on the Dam in
the year 1923 - as soon as
I receive the Blanks to come.

hoping to hear from
you soon. I am yours truly.

L. C. Hulse

Dist. Clear Creek Res. Co.
the name of the old Co. was
Clear Creek water users. W.S.

we wish it
Clear Creek Res. Co

July 26, 1923.

Mr. L. C. Hulse,
Secretary, Clear Creek Water Users' Ass'n.,
Halfway, Oregon.

Dear Sir:

Replying to your letter of July 22nd with reference to constructing a higher dam and storing more water for the use of new land, you are advised it will be necessary to file a reservoir application covering the storage of additional water and a secondary application for the irrigation of additional land.

I am enclosing application blanks and copy of instructions and trust this is the information you desire. A new map should be made showing the design of the dam and the new land to be irrigated. If less than three second feet of water are to be appropriated by the new water users a map prepared by a registered professional engineer is not required.

Trusting you will find this satisfactory, I remain

Very respectfully,

RJS:H
Enc.

Percy A. Cupper,
State Engineer.

8096-R515

8108-5234

Halpway Oregon ¹⁹²³ 7-22-

Mr. Percy Cuffer.

Dear Sir,

I am writing you for
information for what
course we should take
to reorganise the Clearcreek
Reservoir and water users
Ass. we wish to take in
some new members into
the company. and get
a survey made to enlarge
our dam. to store water
to cover the land of the
new members. will we
have to have a new blue
print made of the dam

now under construction
or can we get a permit
to raise the dam, under
our old plans and
specifications, we are very
anxious to get this through
as we have such a short-
time to work, this season.
we have advised the
new applicants and have
decided that if you can
let us form a new company,
that we can finance the
project with the money
we get from the new
members, hoping you
will give us a
favourable reply. I remain
yours truly,

J. C. Hulbe Sec. Treas.
Clear Creek Water users
Assn.

December 7th, 1922.

Mr. L. G. Hulce,
Secretary Clear Creek Water Users Association,
Halfway, Oregon.

Dear Sir:

Permits Nos. R 515 and 5234.

I am in receipt of your letter of December 3rd transmitting notice of beginning of construction work under your reservoir permit No. R 515, and the same has been placed on file.

In order to place your water rights in good standing, you should also fill out and file the notice of beginning construction under your permit No. 5234, which covers the appropriation of the stored water for irrigation of 475 acres. A blank for your use in filing such notice is enclosed and the notice should show that construction work was begun on the distribution system on or before October 20th, 1922.

Our records show that you have until June 1st, 1923, within which to complete the construction of both reservoir and distribution system, and if you are unable to complete the work by that time, you should then make application for an extension of time, setting forth the reasons for being unable to complete construction within the time allowed.

Trusting you will be able to file the required notice, I remain,

Very respectfully,

Fercy A. Copper,
State Engineer.

R.
Enclosure.

RECEIVED

DEC 7 1922

Halfway Creek

App. 1 File No. 3-1922

Percy G. Suffer,
Valued Engineer.

State Engineer, Dear Sir,

I have filled out the Blank,
for beginning work on or Reservoir
and am sending it to you. we
will want an extension of
time to complete the dam
as the farmers are not in
a financial condition to
complete the dam in the
time allowed us by you,
we have no ditches to construct
and as soon as the dam is
completed we can get use
of the water. Yours Truly
L. C. Hulse, Supt.,
Clear Creek Water Users Ass.

November 13th, 1922.

Mr. L. C. Hulse,
Halfway,
Oregon.

Dear Sir:

Permits Nos. R 515 & 5234.

I am in receipt of your letter of November 6th with reference to the work done under your reservoir permit No. R 515, and secondary permit No. 5234, in the name of the Clear Creek Water Users Association.

I am enclosing blanks upon which the notices of beginning, completion and complete application may be submitted under each permit. Construction work both on the reservoir and on the distribution system was required to begin on or before October 20th, 1922, and be completed on or before June 1st, 1923, and the water applied to the irrigation of the entire area on or before October 1st, 1925.

Trusting you will be able to submit the notices of beginning construction under the permits, I remain,

Very respectfully,

Percy A. Cupper,
State Engineer.

RJS:R
Enclosure.

Halfway Creek -
Nov. 6. 1922,

Mr Percy G. Cupper -
Slab Engineer.

Dear Sir, am writing you
in regards to the Blanks, you
spoke of. attached to our permit
for building Reservoir I have
never been able to find any
such blank, that I would
consider detachable, but I
perhaps have over looked
them but on the following
pages I will briefly tell what is done

amount of money. I find for
Labor and material about \$2000⁰⁰
Two Thousand Dollars -
all labor done as per plans.
Commenced work on Dam.

Aug. 10th 1922.

Labor finished for year

Oct. 10th 1922.

Height of dam at bank 12 ft.

This labor was all done
by days pay, and was all
that could be done for this
year. Hoping this will be
satisfactory I remain.

Your Truly, L. C. Hulst, Treas

P.S., if you could
send me a copy of the
share holders, that is on record
in your office, I would greatly
appreciate the favor as our
records, have been miss placed,
or we never had any. There
is several parties that have
paid their assessments that
have no permit, would like to
have blanks and information
in regards to their entry into
the Company.

PERMIT NO. 5234

R. 515

September 27th, 1922.

L. J. Hulse, Secy.-Treas.,
Clear Creek Reservoir Co.,
Halfway, Baker Co.,
Oregon.

Dear Sir:-

Replying to your letter of September 21st, with reference to water rights of the Clear Creek Water Users Association under Permits R 515 and 5234.

You understand that any unappropriated water in the State is subject to appropriation & other parties can file upon the water to be stored in the reservoir by increasing its capacity. However, such parties will have to secure an adjustment of the reservoir rights with the owners of such reservoir either by agreement or condemnation, if there is sufficient water available in the source of supply, your company could make another filing to increase the capacity of the reservoir.

In view of the fact that the right to use water for irrigating any certain tract of land can only be secured under a permit from this office, it would be useless to receive new members in your company unless their land is covered by your permit or a new permit is secured covering the irrigation of the land owned by such members.

Trusting this is the information you desire, I remain

Very respectfully,

Percy A. Cupper,

RJK-La

State Engineer.

R515
5234

Halfway, Aug. 21 1922
Mr. Percy Capper
State Engineer.

Salon, Oregon.

Dear Sir,

I wish some information
in regards to storing water.
first we are working on
a reservoir, to furnish
irrigating water for land
that has partially enough.
Can any one file on this
some site to build over our
dam. without first getting

Our consent, and do we get
a chance to make further
application for enlarging our
dam providing we do get
sufficient water, can we
admit in new members in
our company, after the
Survey has been made and
filed, now if you answer
the questions it will be
a favor to us. yours Truly,
Clear Creek Reservoir Co.

Per L. C. Hulse
Sec. Treas.

APP. 8108

November 10, 1922

Mr. Ira L. Hoffman,
County Surveyor,
Baker, Oregon.

Dear Sir:

I am enclosing my official check No. 784 in the amount of \$0.65 being excess fees on application No. 8108, in favor of Mr. Chas. Shelton.

We have discovered that this amount was overlooked and should have been included in check No. 715 issued October 17th, 1921 and sent to The Clear Creek Water User's Association October 25th, 1921.

Very respectfully,

RJC:EB
Enc.1.

Percy A. Cupper,
State Engineer.

8108

October 25th, 1921.

The Clear Creek Water Users' Association,
Halfway, Baker Co.,
Oregon.

Gentlemen:- Herewith you will find Application No. 6108, being Permit No. 5234, together with blue print, common to this application and R 8096, also check for \$28.00, excess fees. This application has been approved and recorded in this office.

October 14th, 1921.

Mr. Ira L. Hoffman,
County Surveyor,
Baker, Oregon.

Dear Sir:

I am in receipt of your letter of October 12th with reference to Applications Nos. 8086 and 8108 in the name of the Clear Creek Water Users Association.

I note that the water is for a supplemental supply for the irrigation of land already having a partial water right. The applications have been corrected accordingly and the excess fees will be returned when the applications are approved.

Trusting you will find this satisfactory,
I remain,

Very respectfully,

Percy A. Cupper,
State Engineer.

RJR:R

MEMORANDUM

Final proofs have been submitted under Permits Nos. R-515 and 3234 in the name of the CLEAR CREEK RESERVOIR COMPANY but the dam which has been constructed in connection with the reservoir permit is considered to be possibly unsafe. The Company has submitted application for permit to enlarge this dam and to appropriate an increase of storage under applications Nos. R-14831 and 14832. Plans for the proposed enlargement were prepared by Philo Anderson and approved by this office.

It is believed advisable to suspend the issuance of certificates under these permits until such time as the appropriation under the new permits is completed, at which time the dam may be inspected and if found safe, then certificates should be issued under all the permits at the same time.

August 3, 1933.

VSB:rjw.

October 31, 1932.

Mr. James Frankland, Acting Regional Engineer,
U. S. Department of Agriculture, Forest Service,
Post Office Bldg.,
Portland, Oregon.

Dear Mr. Frankland: RE: Clear Creek Dam near Halfway, in
Baker County.

Enclosed herewith you will find a copy of a letter received from Mr. Philo H. Anderson, Engineer for the Clear Creek Water Company on the Clear Creek Dam, together with a blue print showing his proposed plan.

If this dam is constructed with a top width of the rock portion $7\frac{1}{2}$ feet and with a downstream slope of 2:1, it will have sufficient weight to support the water load and additional pressure of the earth fill.

As Mr. Howes has pointed out in his report there may be some question as to whether the concrete core wall is water tight, and to overcome this objection, Mr. Anderson has suggested that the earth portion of the dam be constructed with a slope of $2\frac{1}{2}$:1 and a top width of 10 feet. This will certainly be safe, and in my opinion will contain more material than necessary.

You will note that on Mr. Anderson's plan he shows a drain. In my opinion this drain is not necessary and it would be safer without it.

I would appreciate having your views as to the design, also, as to the advisability of raising the present earth fill to an elevation of 6810, not changing the slope of the old portion, but changing the slope of the new so it will have a top width of approximately 2 feet. There may be some question as to whether the earth will stand this slope, however it could be maintained by adding new material when necessary. In other words, I hesitate to put the farmers to the expense of constructing a dam of the type suggested by Mr. Anderson with a top width of 18 feet when the maximum height is approximately 35 feet.

Yours very truly,

enc.
CES/mvb

CHAS. E. STRICKLIN,
State Engineer.

Chas. E. Stricklin 12.

For additional safety on October 29, 1932, I contemplated filling the voids in this rock fill with earth, Chas. E. Stricklin method, as the fill progressed, in accordance with State Engineering in your letter of Oct. 4th.
Salem, Oregon

Mr. Howe recommends a slope of $2\frac{1}{2}$ to 1 for the Dear Mr. Stricklin: of the rock fill but without filling with earth. It is my opinion that such a flat slope is unnecessary.

Your letter inclosing copies of reports on Clear Creek and Meadow Creek dams by Mr. Howe, together with your letter to Mr. Frankland and his reply reached me today. The wall and although it is not a high grade concrete it is much better than I was waiting for the Mr. Howe's Report before completing my plans and specifications. However, I have a tentative plan of which you will find inclosed a print of the pencil sketcher, as shown on the sketch and a drain tile along just under the joint that we need not worry much about ice action. The hand placed section next to concrete core using 165 pounds per cu. ft. as the weight of the granite rock and figuring 24% voids which results in 125 lbs. per cu. ft. (Troutwine gives 20% voids which results in 132 lbs. per cu. ft. for this kind of masonry.) (In another place he gives this type of masonry the wt. of 125 lbs. not stating material.) Where care is taken in placing and filling small spaces between larger rocks, disregarding the concrete core and *earth* fill the resultant with full water pressure falls within the middle third (omitting ~~ice~~ action and considering still water). With the reservoir empty, disregarding the earth and wall the resultant falls slightly outside the middle third due to the slope, but the earth load puts the resultant when reservoir is empty within the middle third. Of course the hand laid masonry is not monolithic. Nevertheless, in designing dams and retaining walls that we put up dry I believe it good practice to treat them as such in determining the base. And as a matter of fact such a wall would offer more resistance than the loose rock fill already in place. The section designed would stand with reservoir empty even though concrete wall and earth fill were omitted, although there would be a tendency to tip toward the reservoir. *and, as my suggestion.*

In computing the weight of the middle part of the rock fill an allowance of 43% for voids was made resulting in 94 lbs. per cubic foot.

of With a total top width of 7 $\frac{1}{2}$ ft. and a slope of $1\frac{1}{2}$:1 hand placed, takes care of any ice action even though reservoir was full in the winter and still leave ample stability.

The hand placed dyke along the toe of the hand placed wall next to the core wall would prevent a tendency to slide and also hold the middle part of the rock fill in place.

CHAS. B. ...
For additional safety and precaution, I had contemplated filling the voids in this rock fill with earth, by the water jet method, as the fill progressed, in accordance with suggestion in your letter of Oct. 4th.

Mr. Howe recommends a slope of $2\frac{1}{2}$ to 1 for the down stream slope of the rock fill but without filling with earth. It is my opinion that such a flat slope is unnecessary.

Relative to the bond between old and new concrete in the core wall, I took a pick and tested the concrete in the wall and although it is not a high grade concrete it is much better than I expected to find under the conditions. I have successfully made water tight joints between new concrete and concrete much poorer than that in this structure. I believe that by a joint as shown on the sketch and a drain tile along just under the joint that we need not worry much about that feature. The places of use as described in the original report were forwarded such forms for making inspections. Although

In view of the fact that the applicants need water for 770 acres, I was giving them as much storage as I could, allowing 2 ft. free board, raising the water to Elev. 6808 resulting a capacity of 600 acre ft. Mr. Howe recommends water Elev. 6805, 2 ft. free board and 450 acre ft. when the report was submitted to us.

In view of the fact that we now have all three ideas it is my suggestion that we make a composite design and say build the dam to Elev. 6810, allow $2:1$ slope for rock fill but hand place the portions shown on the sketch and construct spillway crest at elevation 6807, giving capacity of 550 acre ft. which gives 3 ft. free board, and omit the water jet earth fill, which extra weight is replaced by the rock fill being built out to slope of $2:1$.

Other details of my design are about the same as recommended.

I would like your reaction and that of Mr. Howe or Mr. Frankland, on my suggestion.

Very truly yours,

PHA:B

40 acres in the NW 1/4
40 acres in the SE 1/4
Section 20,
34 acres in the NW 1/4
40 acres in the SE 1/4
10 acres in the SW 1/4
4 acres in the NE 1/4
40 acres in the NW 1/4
40 acres in the SE 1/4
10 acres in the SW 1/4
Section 20.

November 5, 1932.

Mr. Bent Landreth,
Watermaster Dist. #2,
Baker, Oregon.

Dear Mr. Landreth:

This is in reply to your letter of October 29th in regard to Permits Nos. R-515 and 5234, in the name of the Clear Creek Reservoir Company.

As you know, the usual practice is to fill out the proof form showing the places of use as described in the original permit when forwarding such forms for making inspections. Although I have not checked over the list of lands shown on the proof form for Permit No. 5234 which was sent you, I believe that they undoubtedly correctly describe the lands shown under that permit. The lands which were described under the proof submitted by the company were not placed on it in this office but were added by them when the proof was submitted to us.

Permit No. 5234 was originally issued to the Clear Creek Water Users Association under an application submitted by J. R. Ritter, president, and L. C. Hulse, secretary. The name of this organization was evidently later changed to the Clear Creek Reservoir Company. The original application indicated that the following lands were to be irrigated:

| | |
|---|---|
| 5 acres in the SE ¹ NE ¹ | 40 acres in the NW ¹ NE ¹ |
| 15 acres in the NE ¹ SE ¹ | 40 acres in the SW ¹ NE ¹ |
| 10 acres in the SE ¹ SE ¹ | 20 acres in the SW ¹ NE ¹ |
| | Section 32, |
| 30 acres in the NE ¹ NE ¹ | 10 acres in the NE ¹ NE ¹ |
| 35 acres in the SE ¹ NE ¹ | Section 31, |
| 40 acres in the NE ¹ SE ¹ | Township 7 South, Range 46 East, T.M. |
| 40 acres in the SE ¹ SE ¹ | |
| | Section 30, |
| 24 acres in the NW ¹ NW ¹ | |
| 40 acres in the SW ¹ NW ¹ | |
| 30 acres in the SE ¹ NW ¹ | |
| 4 acres in the NE ¹ SW ¹ | |
| 40 acres in the NW ¹ SW ¹ | |
| 40 acres in the SW ¹ SW ¹ | |
| 10 acres in the SW ¹ SE ¹ | |
| | Section 29, |

Mr. Bent Landreth - 2.

November 3, 1932.

A pencil note has been made on the copy of the permit in this office that the NW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 14, Township 8 South, Range 46 East, W. M. is to be substituted for the SE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 30 as shown above. It is my impression that since the company seems inclined to wish to make proof upon so much more land than is described in the permit that they have other rights confused with this permit. The right granted under this permit is for supplemental irrigation, and the owners of the lands described thereunder undoubtedly have adjudicated rights or rights granted under other permits. Not having the list of lands shown on the proof which they submitted for Permit No. R-515, I have been unable to check this. I believe that if some of the lands described under Permit No. 5234 have not been irrigated that other lands might be substituted for them but that the total amount of acreage cannot exceed that described in the original application.

If there are additional lands which have no water right which they desire to irrigate, they should probably be included in a new application. The company has indicated that they will submit a new application in the future for permit to increase the storage in Clear Creek Reservoir and if there are such lands they should undoubtedly be included in the secondary application under such reservoir.

I believe that you will undoubtedly find upon checking this matter with existing rights that the company is confused and is attempting to make proof upon lands which already have a water right.

Very truly yours,

CHAS. E. STRICKLIN,
State Engineer.

By

V. S. Bovelle, Assistant.

VSB:LN

BENT LANDRETH, WATERMASTER

STATE OF OREGON
OFFICE OF
WATER DISTRICT No. 2
BAKER, OREGON

WATER DISTRIBUTION
SNOW SURVEYS

Oct. 29, 1932

STATE ENGINEER
RECEIVED

OCT 31 1932

Mr. Bovellev,
Asst. State Engineer,
Salem, Oregon.

SALEM, OREGON

Dear Mr. Bovellev;

In regard to permits Nos. R-515 and 5234 in the name of the Clear Creek Company will say that I have made a trip of inspection and find that the lands listed under permit R-515 are the lands that are actually irrigated under this permit. I am in doubt about what I should do in regard to recommendations.

Although Mr. Robertson and Mr. Jeldness have certified to permit No. 5234 they wish to repudiate the listings in part where they do not correspond with permit 515 and substitute the listings as given under permit No. R-515. I will appreciate it very much if, in your opinion we can make this change.

It appears that the listings in permit No. 5234 is 311 acres short of what they intended to complete final proof on.

Very truly yours,

Bent Landreth

Bent Landreth,
Watermaster, Dist. No. 2

BL:MD

N NEER

ET 10

OCT 31 1932

SALEM, OREGON

Halfway, Oreg.
Oct. 28. 1932

Chas. E. Stricklin

Salem, Oregon.

Dear Sir: Rec'd your letter
and receipt No 15615.

Enclosed find check for one
dollar (\$1.00) to pay for certificate
recording of Permit No. 5234.

Yours Truly

John T. Robertson. Sec.-
of Clear Creek Reservoir Co.

Per 15633 mailed
11-3-32

August 25, 1932.

Mr. Philo H. Anderson, Engineer,
Baker, Oregon.

Dear Mr. Anderson:

This will acknowledge receipt of your letter of August 24th together with blue prints of the plans of the dam prepared by Mr. Hoffman in connection with Mr. Robertson's application for a permit.

I have examined these plans and suggest that you prepare new detailed plans together with specifications. I would suggest that the upstream slope on the water face be 3:1 from the top of the dam, and on the downstream a slope of 2:1 with a top width of not less than 10 feet. Your plans should show the character of the foundation material and approximate location of rock.

In the enlarging of an old dam you should take considerable precaution to secure a good bond between the old and new material. I would also, suggest that you construct the cut-off trench near the upstream toe of the old structure, which trench should extend across the bottom and up both abutments to the top of the dam. In the construction of an earth fill dam you should give particular attention to the material of which the dam is to be constructed. The material after having been compacted in the dam, should be of such a character that will require a pick to excavate it.

I expect to be in Baker around the 9th or 10th of September and would like very much to discuss these plans with you in person, and perhaps if time permits, to make an examination of the dam site.

As to the sufficiency of the topographical map prepared by Mr. Hoffman, I would suggest that you check this to determine that this is approximately correct, and if so, it will possibly be sufficient.

In order to determine the capacity of the spillway, you should determine the approximate area of the drainage area above the dam site.

I am returning under separate cover the plans prepared by Mr. Hoffman as suggested.

Yours very truly,

CHAS. E. STRICKLIN,
State Engineer.

CES/mvb

PHILO H. ANDERSON
REGISTERED PROFESSIONAL ENGINEER
U. S. MINERAL SURVEYOR
BAKER, OREGON

August 24, 1932

STATE ENGINEER
RECEIVED

AUG 25 1932

SALEM, OREGON

Chas. E. Striklin,
State Engineer,
Salem, Oregon.

Dear Sir: Attention Mr. V. S. Bovellev

I inspected the dam at Clear Creek Reservoir on August 14th, at which time the reservoir was full, the water surface being $1\frac{1}{2}$ feet below the top of the concrete core wall. The dam seemed to be safe and showed no indication of leakage, however, in a place or two it was narrower than 8 feet on top. I could not check the slope of the upstream face on account of the water.

Referring to the 5th paragraph of your letter dated August 10th, 1932. I located Mr. Hoffmans plans for the dam 31.35 feet in height which show a storage capacity of 600 acre feet. I do not know whether or not they are the rejected plans or the corrected ones. I notice a split contour marked "island" in the reservoir. The vicinity map of the damsites are incomplete. New topographical maps cannot be made until the water is drawn from the reservoir, which is being done rapidly at the present time.

I am mailing Hoffman's plans for your criticism as to the general plan of enlargement.

It will probably be some time in September before any work can be done. Mr. Robertson estimates Sept. 10th.

Please return these plans with whatever suggestions you may have to offer, also, please state whether Mr. Hoffman's topographical map of the reservoir site is acceptable when corrected as to the split contours etc.

Yours very truly,

Philo H. Anderson
Philo H. Anderson

PHA:MA

August 10, 1932.

Mr. Philo H. Anderson,
P. O. Box 45,
Baker, Oregon.

Dear Sir:

This is in reply to your letter of August 4th in which you state that you have been retained to supervise the enlargement of the Clear Creek Reservoir Company's reservoir, and request information concerning the present status of this project.

According to our records, the Clear Creek Reservoir Company is the holder of reservoir permit No. 515, which grants the right to store 257.35 acre-feet of water from the West Fork of Clear Creek in the West Fork of Clear Creek Reservoir, to be utilized under their permit No. 5234. This permit contemplated a dam 16.35 feet in height with a top length of 255 feet and a capacity of 257.35 acre-feet.

We are also in receipt of a letter from Mr. John T. Robertson, Secretary of the company, in which he indicates that they contemplate the enlargement of this reservoir, and I presume that you have been retained to supervise such enlargement.

In order for the company to obtain a right to store any water in addition to the 257.35 acre-feet, it will be necessary for them to submit a new application and also to submit a secondary application to utilize such additional stored waters.

The company submitted applications in 1925 for permit to make an enlargement of this reservoir by increasing the height of the dam from 16.35 feet to 31.35 feet, but the plans were not acceptable and the applications were cancelled in 1929 because of their failure to complete them. Probably Mr. Robertson is under the impression that these latter applications were completed and proposes to begin construction under them.

Forms are enclosed upon which the necessary applications may be made if the company is interested in obtaining a right to store waters in addition to those allowed under their Permit No. R-515. An instruction pamphlet is also enclosed which will give you all of the necessary information I believe, but if you require anything further we will be glad to inform you upon your advice.

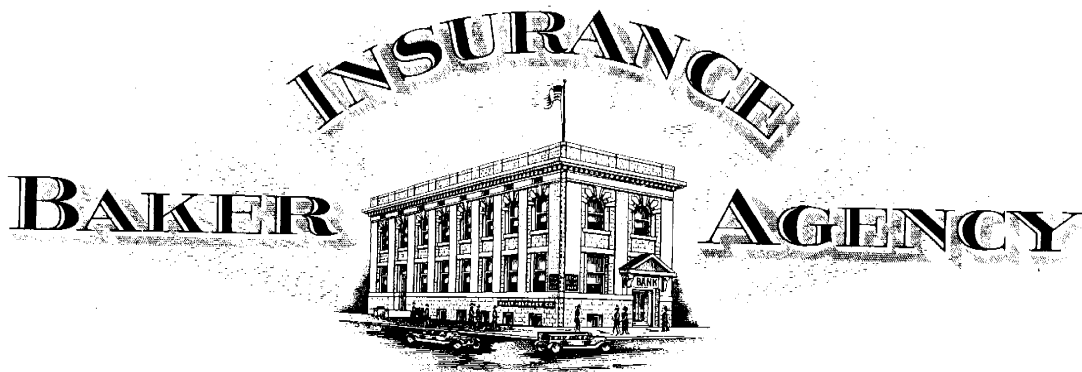
Very truly yours,

CHAS. E. STRICKLIN,
State Engineer.

By

V. S. Bovelle, Assistant.

VSB:LN
encls.



CITIZENS NATIONAL BANK BLDG.
BAKER, OREGON

August 4, 1932

STATE ENGINEER
RECEIVED

AUG 5 1932

SALEM, OREGON

Mr. Chas. E. Striklin,
State Engineer,
Salem, Oregon

Dear Sir:

The Clear Creek Reservoir Company, represented by John T. Robertson and Louis Schmidt of Halfway has requested the writer to supervise the enlargement of their reservoir by increasing the height of the dam.

Please inform me the present status of this project.

Respectfully yours,

Philo H. Anderson
 Philo H. Anderson
 Baker, Oregon
 P. O. Box 45

*Registered Professional Engineer
1257 1/2*

August 10, 1932.

Clear Creek Reservoir Co.,
Halfway, Oregon.

Gentlemen:

Attention: Mr. John T. Robertson, Secretary.

This is in reply to your letter of August 2nd concerning your reservoir Permit No. 515, in which you state that the work has been completed for several years but that you are now evidently increasing the height of the dam and request an additional five years to finish.

This permit granted the right to store 257.35 acre-feet of water from the West Fork of Clear Creek for irrigation purposes to be appropriated under your Permit No. 5234.

We are in receipt of a letter from Philo H. Anderson dated August 4th, in which he indicates that he is to supervise the enlargement of your reservoir by increasing the height of the dam, and requested us to inform him of the present status of this project.

It would appear that the reservoir, as contemplated under Permit No. R-515, has been completed to a capacity of 257.35 acre-feet. If you desire to enlarge this reservoir so as to store a greater quantity of water, it will be necessary that you submit a new application for permit to store the additional waters over and above that allowed under your permit No. R-515. It will also be necessary to submit a secondary application for a permit to appropriate the additional stored waters.

If the project has been completed to the extent contemplated under Permit No. R-515, you should complete and return the proof blank forwarded you on June 29th in order that we may send it and the proof under Permit No. 5234 to the Watermaster for his inspection and report.

Our records indicate that Application No. 10372 was submitted by the Clear Creek Reservoir Company in 1925 for a permit to enlarge the above reservoir, together with a secondary application for permit to appropriate such additional stored waters. These applications were returned for completion and were cancelled in 1929 due to the company's failure to complete them.

Forms for making the necessary applications, together with an instruction pamphlet are being forwarded to your engineer, Mr. Anderson, so that he may make application if he so desires.

Very truly yours,

CHAS. E. STRICKLIN, State Engineer,

VSBLN

By V. S. Bovelie, Assistant.

STATE ENGINEER

RECEIVED

AUG 4 1932

SALEM, OREGON

Halway, Oreg.
Aug 2, 1932.

Chas E Stricklin
Salem Oregon
Dear Sir:

I have your letter of July 13. 1932 to C P Massey, concerning final proof on permit No 515. The work on dam has been finished for several years. (That is the first 20 ft. We now have 25 ft of cement; and dirt and rock nearly up to it) Massey told us every thing had been finished, and I

July 13, 1932.

Receipt of the final proof of the Clear Creek Reservoir submitted final proof under soon as it is submitted we termaster for his inspection

Permit No. 5234 of \$1.00 locate in the county records, Q under Permit No. R-515 when purpose. I am unable to find ngs for additional storage in records indicate that the filed two applications, one 545 acre-feet of water from Clear Creek Reservoir, and p appropriate 8 second-feet r for irrigation purposes. ncelled several years ago for

Permit No. R-515 should be sub-er that this permit may be dis-completion expired several

Very truly yours

CHAS. E. STRICKLIN
State Engineer

By V. S. Bovelle, Ass't.

VSB EL

have proof that Hoffman told me that every thing was all right, all finished. That is why every thing is as it is. I thought they knew.

Will you tell me how to go about it to finish it? Do we have to refile, and how? and what will the fixing fee be? Do we have to resurvey? Do we have to have an attorney? we have been thrown down by both our attorney and Ira S. Hoffman for around \$3000; if this all has to be done over,

ly 13, 1932.

Receipt of the final proof of the Clear Creek Reservoir submitted final proof under soon as it is submitted we permitmaster for his inspection

Permit No. 5234 of \$1.00 floats in the county records, 0 under Permit No. R-515 when purpose. I am unable to find records for additional storage in records indicate that the filed two applications, one 545 acre-feet of water from Clear Creek Reservoir, and appropriate 8 second-feet for irrigation purposes. cancelled several years ago for

Permit No. R-515 should be submitted that this permit may be discontinued expired several

Very truly yours

CHAS. E. STRICKLIN
State Engineer

By V. S. Bovelie, Ass't.

VSB EL

Can we get five (5) years
more time to finish dam.
we can only work a month
or month and a half at
a time on account of be-
ing snowed out.

Please send information
at earliest possible
moment as we want to
do more work this fall

Clear Creek Reservoir Co.
John T. Robertson, sec

July 13, 1932.

Receipt of the final proof
the Clear Creek Reservoir
submitted final proof under
soon as it is submitted we
Superintendent for his inspection

Permit No. 5234 of \$1.00
exists in the county records,
under Permit No. R-515 when
purpose. I am unable to find
records for additional storage in
records indicate that the
filed two applications, one
545 acre-feet of water from
Clear Creek Reservoir, and
an appropriate 8 second-feet
for irrigation purposes.
Cancelled several years ago for

Permit No. R-515 should be sub-
mitted that this permit may be dis-
completion expired several

years ago

Very truly yours

CHAS. E. STRICKLIN
State Engineer

By V. S. Bovelie, Ass't.

VSB EL

July 13, 1932.

Mr. C. F. Massey,
Attorney at Law,
Halfway, Oregon.

Dear Sir:

This will acknowledge receipt of the final proof under Permit No. 5234 in the name of the Clear Creek Reservoir Company. I note that you have not submitted final proof under the reservoir Permit No. 515 and as soon as it is submitted we will send the proof forms to the watermaster for his inspection and report.

There is a fee due under Permit No. 5234 of \$1.00 for recording the water right certificate in the county records, and there will be a fee due of \$1.00 under Permit No. R-515 when the proof is submitted for the same purpose. I am unable to find any record of any supplemental filings for additional storage in Clear Creek Reservoir, however, our records indicate that the Clear Creek Reservoir Company has filed two applications, one being R-10190 for permit to store 345 acre-feet of water from the West Fork of Clear Creek in Clear Creek Reservoir, and Application No. 10372 for permit to appropriate 8 second-feet of water from Clear Creek Reservoir for irrigation purposes. Both of these applications were cancelled several years ago for failure to complete them.

The final proof under Permit No. R-515 should be submitted as soon as possible in order that this permit may be disposed of since the time limit for completion expired several years ago.

Very truly yours

CHAS. E. STRICKLIN
State Engineer

By V. S. Bovelie, Ass't.

VSB EL

C. F. MASSEY
LAWYER
HALFWAY, OREGON

STATE ENGINEER
RECEIVED
JUL 12 1932
SALEM, OREGON

July 9th, 1932.

Clear Creek Reservoir Co.,
Halway, Oregon.
Chas. E. Stricklin, State Engineer,

Salem, Oregon.

Dear Sir:-

Re: Permit No. 5234. Clear Creek Reservoir Co.

Referring to your letter of June 29th, 1932, to the Clear Creek Reservoir Company regarding Permits Nos. 5234 and R-515, I am enclosing Proof of Appropriation on Permit No. 5234, Application No. 8108. The delay in forwarding this proof has been occasioned by our having been informed by the surveyor, Mr. Hoffman, that all details of the filings of the Clear Creek Reservoir Company had been completed.

I am informed that there is a supplemental filing for additional storage in the Clear Creek Reservoir. Will you kindly inform me if this is true and the status of the filing?

Yours very truly,

C. F. Massey

CFM

Enc..

CHAS. E. STRICKLIN,
State Engineer.

June 29, 1932.

Clear Creek Reservoir Co.,
Halfway, Oregon.

Gentlemen:

Your Permits Nos. 5234 and R-515, which grant the right to appropriate 5.91 second-feet of water from the West Fork of Clear Creek and Clear Creek Reservoir for irrigation, and to store 275.35 acre-feet of water from the West Fork of Clear Creek, respectively, have been brought to my attention.

Our records indicate that final proof blanks were mailed on August 5, 1926, and since that time we have not heard from you nor have the proof blanks been submitted. It is very important that you submit final proof of the appropriations immediately if you are interested in the perfection of these water rights. I am therefore enclosing forms for making final proof, which you should fill out and submit at your early convenience.

Section 47-806, Oregon Code 1930, provides that: "Whenever the time within which any appropriation under a permit should have been perfected shall have expired and the owner of such permit shall fail or refuse within the period of three months thereafter to submit to the State Engineer proof of the completion of such appropriation as required by Section 47-508, Oregon Code, the State Engineer may, after 60 days' notice by registered mail, order the cancellation of such permit, * * *."

In accordance with the provisions of Section 47-806, Oregon Code 1930, a part of which is quoted above, you are hereby notified that unless we hear from you within sixty days from the date of this letter, your permits will be subject to cancellation without further notice.

Very truly yours,

CHAS. E. STRICKLIN,
State Engineer.

LN
REGISTERED.

Chas. E. Stricklin,
State Engineer

5.91 acct from W. 7... Ch for supp.

supply for 473 acres

Oct 20-1922

June 1-1923

Oct 1-1925

9-27-22- see letter encl.

11-1-22- Card for A

11-13-22- see letter encl.

12-7-22- write for A- encl.

6-21-23- Card for B

A & B, all work on Dist system
has been completed for years

7-26-23- see letter encl.

1-18-24- see letter enclosed

10-5-25- Card for C

11-19-25- see letter enclosed.

12-24-25- see letter encl. about transfer
of water right.

Lu P515

BEFORE THE STATE ENGINEER OF OREGON
BAKER COUNTY

IN THE MATTER OF THE APPLICATION
OF H. C. PRITCHARD FOR A TRANSFER
OF WATER RIGHT UNDER PERMIT #
5234 OF THE CLEAR CREEK RESER-
VOIR COMPANY.

ORDER

Now at this time this matter coming on for consid-
eration by the State Engineer, and it appearing that on October 20, 1921,
permit #5234 was issued to the Clear Creek Water Users Association, and
was later assigned to the Clear Creek Reservoir Company, which permit
covers the right to appropriate 5.91 second feet of water from the West
Fork of Clear Creek and a reservoir constructed under reservoir permit no
515, for use upon 473 acres of land, including 35 acres of lands belong-
ing to Tom and Laura Pritchard, situated in the SE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 30, Town-
ship 7 S.R.46 E. W. M.; that said applicant now proposes to transfer said
water right to the NW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 14, Twp. 8 S. R. 46 E. W. M.; and it
further appearing that said applicant has obtained the written consent of all
other water users from said reservoir under this filing, as well as an
assignment of the interests of Tom and Laura Pritchard in said filing, and
that such transfer may be made without injury to other rights, NOW THEREFORE.

It is hereby ORDERED that said application be, and the
same is hereby approved.

Dated this 5th day of August, 1926, at Salem, Oregon.

Rhea Luper,
State Engineer